...and 95th Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice.

GENERAL OVERSIGHT

HEARINGS

BEFORE THE

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND THE ADMINISTRATION OF JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

GENERAL OVERSIGHT

FEBRUARY 16, 17, 18, AND APRIL 21, 1977

Serial No. 72

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

35-915 WASHINGTON : 1979

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GENERAL OVERSIGHT

WEDNESDAY, FEBRUARY 16, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES
AND THE ADMINISTRATION OF JUSTICE
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:10 a.m. in room 2226 of the Rayburn House Office Building; Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Danielson, Drinan, Ertel, and Butler.

Staff present: Bruce A. Lehman, Chief Counsel; Timothy A. Boggs, professional staff member; Gail Higgins Fogarty and Michael J. Remington, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. Committee will come to order.

This morning the subcommittee is pleased to start its oversight program of having the chief officers of the various agencies for which we have direct jurisdiction testify as to the present state of the various agencies, their problems, their outlook, both legislative and operational.

And this is intended to inform the subcommittee so that later in the year when specific proposals come before us we will be able to have a better understanding of them and place in precise focus the problems.

In this connection I am very pleased to welcome back an old friend of this subcommittee. He has appeared before the subcommittee previously. And we have dealt with him in years past.

He is the Director of the Federal Bureau of Prisons, Mr. Norman Carlson.

And we are pleased to see you.

TESTIMONY OF NORMAN A. CARLSON, DIRECTOR, BUREAU OF PRISONS, ACCOMPANIED BY GARY MOTE, ASSISTANT DIRECTOR; SHERMAN DAY, ASSISTANT DIRECTOR; DAVID JELINEK, ASSISTANT DIRECTOR; DR. ROBERT BRUTSCHE, MEDICAL DIRECTOR; AND MIKE QUINLAN, EXECUTIVE ASSISTANT DIRECTOR

Mr. CARLSON. Thank you, Mr. Chairman.

First, I would like to introduce staff members who accompanied me this morning: Gary Mote, assistant director; Dr. Sherman Day, assistant director; David Jelinek, assistant director; Dr. Robert Brutsche, medical director; and Mike Quinlan, executive assistant to the director.

I have a prepared statement, Mr. Chairman. With your permission, I would like to introduce it for the record and briefly summarize the highlights.

Mr. KASTENMEIER. Without objection, that procedure will be followed.

Even though I think it is the case that the statement reached the committee so late as to not get in members' hands before this hour, which I hope does not defeat the purpose of having a prepared statement.

Nonetheless——

Mr. DRINAN. Just a small point. My staff did have this yesterday and I came back last night and had it, just for the record.

Mr. KASTENMEIER. I understood Mr. Butler did not have the statement.

Mr. BUTLER. Your understanding is correct, Mr. Chairman. And this is an experience that I have had many times.

Somehow the gentleman from Massachusetts gets the subcommittee testimony the day before and I do not.

I am new to the subcommittee. And the reason that I raise such a question about it is I had a difficult problem with this on another subcommittee last year and I wanted to make it clear to the staff that I didn't think that is the way it ought to operate.

So probably he got the full load from me undeservedly, with reference to that.

But it is a disappointment to get up here at the crack of dawn and be herefor a hearing at 10 o'clock in the morning and not have the testimony. [Laughter.] But I think——

Mr. KASTENMEIER. There is no intention at least from my checking with the subcommittee counsel to deny the gentleman the testimony.

My understanding is that the testimony did arrive at the subcommittee office very late yesterday afternoon and that the gentleman from Massachusetts' assistant was there and received it and did get a copy.

I did not receive a copy myself until this very moment.

Mr. BUTLER. I hate to take the time of the witnesses. But is it the policy of this subcommittee, since I am new here, to insist that testimony be in hands 24 hours before the event?

Mr. KASTENMEIER. We do follow the policy of the full committee and that is to insist or request of the offices that the testimony be submitted at least 48 hours in advance of the hearing.

Now, we went through a dialog on this when we adopted the rules of the committee; and practically speaking, this is very difficult to always follow.

I think at the outset of it, of the sessions when the heads of the various agencies are confronted with very little notice of our desire to have them come before us, that it is not easy in each case to have the testimony prepared and in our hands at least 48 hours in advance.

But that is what we do request.

In fairness to the witnesses, I must say that we have been working out appearances with them only within a matter of the last week. And so that is why I am not inclined to blame witnesses for not having had testimony before this committee at least 48 hours ago, because I think it would be very difficult. They almost would have had to devote the

previous 2 days to that and then get those statements to us and then appear.

We did not, in other words, have much leadtime.

But, hereafter, particularly when as we will be able to schedule hearings with longer advance time and notice to witnesses, we will be more insistent about the rules.

Mr. BUTLER. With reference to the witness before us, I have—if he would prefer to summarize the statement, it seems to me that the questions that I may overlook asking him can be asked at a later time by correspondence or telephone calls; if he would think it would make better use of his time to summarize the statement, I will certainly accede to that.

Mr. KASTENMEIER. Yes. I think that was the witness' request.

And I am sure Mr. Carlson will be before the committee and will be in communication with us many times during the next year or two.

Mr. Carlson?

Mr. CARLSON. Thank you very much, Mr. Chairman.

We had only a short period of time to prepare our formal statement, and I apologize for the delay.

Mr. Chairman and members of the committee, I welcome the opportunity to appear before you today in order to provide an overview of the Federal prison system.

The basic objective of the Federal Bureau of Prisons is to protect society by carrying out the judgments imposed by the Federal courts.

In carrying out this responsibility, we attempt to provide a safe and humane environment for inmates and to increase the number of inmates achieving a successful adjustment upon release to the community by offering a variety of opportunities for work, job training, education, and counseling for offenders.

The Federal Bureau of Prisons consists of 37 correctional institutions ranging from modern youth institutions such as those recently opened at Miami and Pleasanton, Calif., to such outdated bastilles as the penitentiaries at Leavenworth, Kans., Atlanta, and McNeil Island, Wash.

The Bureau also operates 16 Community Treatment Centers or halfway houses, in order to help offenders reintegrate themselves into society at the time of release.

The most significant problem we have today is our population increase.

The prison population in the Federal system has gone up dramatically during recent years.

The chart on page 2 of the testimony portrays what has been happening as far as the inmate population is concerned.

Today the population at Federal institutions is 28,616. This compares to 20,600 in 1970, an increase of 8,000 prisoners in a period of 7 years.

During 1976 alone, we had an unprecedented increase of 3,500 inmates, and it appears, at this time, that this year's increase will parallel last year's.

Analyzing the causes of the increase over the last 2 years, our assessment is that the Speedy Trial Act, which was passed by the Congress, is having a major impact. Offenders accused of Federal crimes are being tried, convicted, and sentenced much more rapidly today than in

the past. That is the only explanation that we have at the present time for the dramatic increase in the offender population during the past 2 years.

The question we face is what is going to happen in the future.

Will the population continue to increase and, if so, at what rate?

Based upon our studies as well as those done by others, the answer seems to be that it will continue to increase.

While we would hope certainly that the population would rise at a much slower pace than it has during the past 2 years, it is difficult to predict what will happen in terms of court commitments throughout the country.

During the past 7 years we have opened six additional institutions, and we have acquired three existing institutions including the former Public Health Service hospitals at Lexington, Ky., and Fort Worth, Tex.

In addition, we have four more institutions under construction which will help relieve present overcrowded conditions. One of these is a facility in Memphis, Tenn., which is just now being completed, and we hope to begin moving inmates into Memphis in late March.

The objectives of the construction program are twofold: First, to reduce the critical problem of overcrowding, and secondly, to be able to replace older penitentiaries at McNeil Island, Wash.; Leavenworth, Kans.; and Atlanta.

In addition to the increase in the number of inmates being confined in Federal institutions, we have seen a shift in the type of offenders.

If you will look at the graph following page 3 of the statement, you will note a comparison of the two fiscal years, 1966 and 1976, which shows a marked increase in offenders committed for narcotics violations and for violent crimes such as bank robbery. At the same time there has been a decrease in the percentage of those incarcerated for auto theft and other nonviolent crimes.

The reason for the decline in those incarcerated for auto thefts is the Department of Justice's policy of trying to shift cases involving individual thefts to State and local prosecution and to concentrate on the major interstate transporters of stolen cars who operate on a wholesale and commercialized basis.

Overcrowding, coupled with the change in the type of offender, has created a number of problems. When I met with the committee last year, I discussed some of the difficulties we had, particularly those regarding the penitentiary at Lewisburg, Pa., where there was a series of homicides.

We believe the population pressures, as well as the changes in inmate populations, have contributed substantially to the increase in violence in our institutions.

Among the positive changes taking place in the Federal prison system is the increase in the number of minority staff members.

I testified before this committee after the Attica tragedy in 1961 and indicated at that time that we had carefully reexamined all of our programs and goals. It was very clear at that time that despite a Federal prison history of equal employment opportunity, we simply had not done an adequate job of actively recruiting minority staff members.

The chart at page 4 in the formal statement indicates the results of our efforts.

We set a goal in 1971 that 33 percent of all new employees would come from minority groups because roughly one third of our inmate population is composed of minorities.

We have achieved a performance rating over those years of nearly 27.5 percent. The record is not as good as we would like, but I think it represents a rather dramatic increase. Minorities now comprise over 17 percent of total staff compared to 6.6 percent in 1971.

We are continuing active recruitment and I am optimistic that we will continue to show progress in the months and years ahead in terms of bringing more minority staff into our institutions.

You may also be interested in the use of females in the Federal prison system. We now employ female correctional officers in all institutions except the major penitentiaries.

We have over 300 women working as correctional officers. Their presence has created no problems and in at least one respect they have been a decided asset to our system, specifically in helping to normalize the atmosphere of correctional institutions which traditionally have had all male staffs and inmate populations.

In addition to equal employment recruitment policies, we now have a formal training program. New employees are required to complete 2 weeks of training in corrections, legal issues, and employee responsibilities at one of the three staff training centers located in Atlanta, Dallas, and Denver. Employees also participate in an advanced program at one of the centers at least once every 3 years.

Mr. Chairman, as I testified before, there has also been a shift in the basic philosophy of the Federal prison system and of corrections generally.

For a number of years in this country and abroad, corrections developed a medical treatment model of diagnose, prescribe, and treatment for incarcerated offenders. There has been a reexamination both in this country and throughout the world of what can be accomplished with offenders in correctional institutions. The reexamination is resulting in a model that emphasizes an offender's responsibility to make up his own mind about participating in correctional programs, while the institution retains the responsibility for providing a wide variety of program options.

Federal institutions provide educational programs ranging from basic literacy training through high school and college courses and a variety of religious, recreational, and leisure time activities.

A significant number of vocational training programs are also available. These include programs in auto mechanics, welding, medical and dental technology, computer programing, and masonry.

Inmate participation in these programs has been made voluntary which has led to concerns that the number of inmates taking part would decrease. Actually, the number participating has increased, because inmates can now enroll in programs they feel are appropriate for themselves rather than being required to participate in a program that the staff feels would be good for them.

Mr. Chairman, I would also like to comment briefly on the change in internal management within Federal institutions. We have developed a system called functional unit management, which breaks down the larger institution into smaller units of 50 to 100 inmates each to which staff members are directly assigned. The purpose is to decen-

tralize the management of our institutions and to maximize the contact between the staff and the offender population. The staff members have their offices right in the housing units where the inmates live.

Evaluation has shown that this new system has been effective in facilitating communications between staff and inmates and in improving overall management effectiveness.

Let me turn briefly to Federal Prison Industries, the Government corporation which uses inmate labor to produce goods and services for other Federal agencies.

The basic purposes of "Industries" are to provide employment as well as job training for inmates, to reduce idleness and generally to provide as normal an environment as possible in an institution.

More than 5,000 inmates are employed by Federal Prison Industries and they produce a variety of goods and services such as shoes, and computer programs for Federal agencies.

The profits are used to pay the inmates who work in Industries, and also to compensate inmates whose work outside Industries deserves some type of remuneration.

The newest part of the Federal Bureau of Prisons is the National Institution of Corrections, which is now fully operational.

NIC provides technical assistance, training, research, and evaluation and other services to State and local correctional agencies.

Policy direction comes from a 16-member advisory board which has established four basic thrust areas.

These are staff training and development, improvement of jail operations, reviewing and evaluating field services, and improving screening procedures to try to keep as many people as we can out of jails.

Mr. Chairman, that is a very brief overview of some of the major issues in the Federal Prison System today.

Overcrowding is by far the most critical.

I am happy to work with the committee and I again extend an invitation to both you and your staff to visit our institutions at any time and see for yourself the facilities and programs we are providing for inmates committed to our custody by Federal courts.

Mr. KASTENMEIER. Thank you, Mr. Carlson. I have very few questions and I will yield very shortly to my colleagues.

In terms of your building program, you indicated some of the old institutions that, hopefully, might close: McNeil Island, Leavenworth, Atlanta. Have you, in fact, closed any institutions, small or large?

Mr. CARLSON. The only institution we have been able to close is the detention headquarters in New York City, formerly a warehouse, that had served for 35 years as a Federal jail. We did close that facility when we opened the new Metropolitan Correctional Center. We have not been able to close any of the large penitentiaries because of the increased number of offenders in custody.

Mr. KASTENMEIER. You alluded to the difficulties: the overcrowding and the new class of offenders which have been sent to Federal institutions; and in the same context, you referred to violence and homicides, particularly at Lewisburg and perhaps other institutions which, I think, took place 2 years ago, 1 or 2 years ago.

Mr. CARLSON. Yes. That's correct, Mr. Chairman.

Mr. KASTENMEIER. What is the present trend with respect to violence and homicides in Federal institutions as opposed to 1 and 2 or 3 years ago?

Mr. CARLSON. There has been some decrease in the rate of violence in our institutions during recent months. I will be happy to provide for the committee a complete report. Lewisburg has not had any further homicides since I met with you last September. We have had several stabbings, but no fatalities, at that institution.

Mr. KASTENMEIER. Other than your buildings program, have your recent levels of appropriations been sufficient for your programs and for the pay levels for your staff in the federal system and for other purposes, other than your building program?

Mr. CARLSON. As any public administrator would say, we don't have as many resources as we would like, but I think the Appropriations Committees have provided additional resources to assist in attacking the major problems. We now have additional staff assigned to our institutions.

I think we have made some progress despite the serious problem of overcrowding which we face.

Mr. KASTENMEIER. Therefore, you have no crucial problem with respect to funding for general operational purposes?

Mr. CARLSON. No, sir. As far as general programs are concerned, we are operating at a level which is consistent with the past history of the Bureau of Prisons.

Mr. KASTENMEIER. Where do you stand today with respect to problems arising, as I assume they do, from various court decisions which may impose greater burdens or, at least, changes in rules for prison operation with respect to communications, access, access to attorneys or to a court or to news sources; and, in general, what is the situation with respect to prison rules and policies that have been subjected to change that have been induced or suggested by Federal court decisions?

Mr. CARLSON. Mr. Chairman, there is a great deal of litigation presently underway in Federal courts relating to Federal, State and local institutions. We have a class action pending in the southern district of New York relating to the overcrowded conditions in the Metropolitan Correction Center in New York City. There are several other class actions now pending in various district courts, including one here in the District of Columbia regarding correspondence procedures.

The Supreme Court in 1974 came down with a decision, *Wolff* v. *McDonnell*, which spells out due process requirements for inmate disciplinary proceedings in correctional institutions.

In terms of changes in operations, we have made a number of departures from tradition. For many years the Bureau had a policy which restricted access to inmates by the news media, a policy upheld in 1974 by the Supreme Court. During the past year we experimented, and finally put into effect, on a full-time basis, a policy which permits news persons to enter any institution and interview any inmate who is willing.

Mr. KASTENMEIER. I take it you, in the case of an offender in isolation or, perhaps, even—I take it you still have classification of a special offender, do you not?

Mr. CARLSON. Yes. We maintain control in the central office over certain inmates' cases which enables us to monitor more carefully those offenders who present serious problems. But the press policy applies to any inmate.

Those in segregation have the same access to the press.

I will be happy to provide the committee with a copy of the new policy. The news media have been responsive to the policy, though there have been some criticisms. I think, basically, the press itself has felt that the Bureau is being fair and open to permit them to interview inmates as we now do.

Mr. KASTENMEIER. Another area: A couple of years ago we passed a liberalized statute with respect to prison furloughs, with your support. And I think the passage of that legislation led many people to believe that prisoners restricted access to inmates by the news media, a policy upheld in 1974 by the Supreme Court. During the past year we experimented, and finally put into effect, on a full-time basis, a policy which permits news persons to enter any institution and interview any inmate who is willing.

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Mr. KASTENMEIER. Another area: A couple of years ago we passed a liberalized statute with respect to prison furloughs, with your support. And I think the passage of that legislation led many people to believe that prisoners generally would have access to these furloughs. But my impression is—and you might correct me—that, really, in practice you have been quite careful in terms of prison furlough grants. These are not, as a matter of course, granted to all prisoners even though they may be nonproblem prisoners or late in their terms; but rather furloughs have been limited for special purposes, largely.

Is that correct? Is my impression correct?

Mr. CARLSON. Mr. Chairman, as you point out, the committee gave us considerable latitude in the use of furloughs. We have been cautious in implementing this policy. I am sensitive to community concerns that have been expressed, not only in the Federal system but also in the State and local systems where administration of furlough programs has caused communities to force institutions to shut those programs down totally. We don't permit inmates with histories of violent behavior out in the community.

I might point out that we monitor the furlough program carefully. Our record of success has been 99 percent. I feel that we must continue to match that record if we are going to maintain acceptability of the program and not endanger the lives of our citizens by releasing people who are a threat to society.

Mr. KASTENMEIER. I think I will resist the temptation to ask further questions and yield at this point; and at this time, I would like to introduce a new member of the subcommittee, the gentleman from Virginia, and after that, I will recognize the gentleman from Massa-

chusetts. The gentleman from Pennsylvania is here, who is also a brandnew member of this subcommittee.

The gentleman from Virginia.

Mr. BUTLER. Thank you, Mr. Chairman.

I appreciate very much your taking the time to bring us new members up to date on your problems.

Let me address myself first to the question of overcrowding and the manner in which you relate that to the Speedy Trial Act. The Speedy Trial Act has turned out to be a speedy incarceration act; is that what you are saying? And that you have accelerated the number of incarcerations, resulting, in part, in another contributing factor to the overcrowding.

Is that a fair statement?

Mr. CARLSON. What I intended to imply was that the Speedy Trial Act has expedited cases through the criminal justice process. I don't think it has resulted in more people being incarcerated, but I think it has eliminated much of the backlog in the courts.

Mr. BUTLER. So when that wave passes, the factor will disappear; will it not?

Mr. CARLSON. I hope so. The growth rate of our population is quite high.

Mr. BUTLER. I was a little bit surprised at the statistics. If I could have the wheels again, dealing with the problem of auto theft, for example, I understood your testimony to indicate that what you have done is shift the burden of incarcerating persons who steal automobiles, you have shifted that burden to the State system.

We are not letting more auto thieves go free, are we?

Mr. CARLSON. No, sir. My understanding is that U.S. attorneys decline prosecution, particularly when the offender will be charged with the auto theft itself by the State. When a person steals a car and crosses a State line, there are two separate offenses, one State, one Federal.

Mr. BUTLER. All right. That was a very clever way to cut down some of our overcrowding problems.

Have you got any more suggestions along that line?

Mr. CARLSON. In addition to reducing our problems, I believe it also has given the U.S. attorneys and the Federal law enforcement agencies an opportunity to concentrate on other cases; for example, narcotics.

I think many auto theft cases involve youngsters who were stealing a car to run away from home. I think these should be handled by the local authorities, rather than the Federal Government. There are other categories which have dual jurisdiction, but I think auto theft is the classic example of a situation where the State and Federal Government share responsibility.

Mr. BUTLER. In the narcotics field there is a duplication of opportunity there?

Mr. CARLSON. That's correct.

Mr. BUTLER. But you don't see a tendency to move in that direction?

Mr. CARLSON. Congressman Butler, I can't speak for the department's enforcement policies. I can only speak from our experience.

Mr. BUTLER. You spoke also of the minority—if I could see that

graph a moment—hiring. And I note that your comments indicate that employment of minorities, which are women—and that is the only one you mentioned, I think, other than blacks, ethnic minorities, and women. I want to understand this correctly.

I think you said that you are finding that women in the correctional forces, and I assume that means prison guards as well as all aspects of it, are functioning just as well as men in those responsibilities.

Mr. CARLSON. That's correct. In some ways, better.

Mr. BUTLER. The physical strength of the male is not necessarily a requirement to that employment?

Mr. CARLSON. That is correct Congressman Butler.

Mr. BUTLER. This has some significance because HEW is requiring, I believe it's HEW, in recent regulations that the service population be related percentagewise to the inmate population in the enforcement in certain areas of that sort. So I had anticipated that that was going to create problems. So I appreciate your view on that.

Now, with reference to the handicapped, have you, have you moved into a hiring policy of the handicapped in this area?

Mr. CARLSON. No, sir. We do not have a special program to recruit handicapped people. But we have some handicapped persons in a variety of positions. We have made no special attempt to focus on that particular group, however.

Mr. BUTLER. I will be interested in how that develops. But I think you will be asked questions about that before the year is out. I guess, Mr. Chairman, we should—I might have more questions later on. I don't have anything further right now.

Mr. KASTENMEIER. Mr. Drinan?

Mr. DRINAN. I would like to discuss the situation with regard to Lake Placid. Just for the background, Mr. Chairman, Mr. Carlson testified the other day before the Subcommittee on Appropriations and requested $22 million to acquire or build a facility near Lake Placid which would be used for the Olympics and thereafter it will become a jail, a Federal correctional institution for 500 offenders way up in Lake Placid.

The decision apparently has been made and I wonder, Mr. Carlson, who first brought this to your attention.

Mr. CARLSON. The Olympic organizing committee and the Congressman from that district, Robert C. McEwen, were the first to ask if it would be feasible.

Mr. DRINAN. When?

Mr. CARLSON. It was in May of 1976.

Mr. DRINAN. Did you consult this committee at all?

Mr. CARLSON. I don't believe we did.

Mr. DRINAN. Before this committee, when Mr. Badillo was here, we had a similar situation with regard to Otisville. And you said and I quote from the testimony, "Mr. Badillo was protesting that he didn't want Otisville. That people from New York would be there and it's 100 or 150 miles from New York City." And he said this to you, "I want to be assured that we won't have the problem of being confronted with the fait accompli with Otisville." Mr. Carlson, "I can assure you that you will, Congressman Badillo, that we will consult with you in the future." This was a promise. And that this was before this subcommittee. So why didn't you consult with this

subcommittee or its opposite number in the Senate when this possibility came to your attention last spring?

Mr. CARLSON. We didn't know that the budget request was going to be transmitted to the Congress in the form that it is until just before it was transmitted. The Federal Government was to invest something like $15 million for Olympic housing which would be used only for 6 weeks. We were asked if we could use the proposed facility as a secondary user. Our answer was yes; it would be feasible. We did point out the problems in terms of geography and the distance from major metropolitan areas.

Mr. DRINAN. They have to have facilities for the Olympics. And this is no appropriation unless the Bureau of Prisons goes forth and gets the $22 million and builds it and it will be used for the Olympics and then you will have it thereafter in perpetuity.

Mr. CARLSON. The Appropriations Committee has not acted on the request to date.

Mr. DRINAN. Would you agree that this is in violation of your philosophy as expressed before this subcommittee months ago? Quote, Mr. Carlson is talking:

Our philosophy is that new institutions should be as close as we can humanly get them to where the offenders are from and where we can find staff and other resources.

Mr. CARLSON. In terms of primary use, the answer is yes. We're clearly in violation of our objective. But this is a secondary use.

Mr. DRINAN. What does that mean, "secondary use"? That's just words. You're going to use it. You're asking for $22 million in violation of your own words. So you're going ahead with a youth construction there. Tell me what the "secondary" means.

Mr. CARLSON. We didn't ask for this site. We had no plans for the Lake Placid area until such time as we were asked if we could use it on a secondary basis if a substantial amount of Federal taxpayers' dollars were invested in a housing facility for Olympic use. My answer and the Department of Justice's answer was yes; it would be feasible.

Mr. DRINAN. Why did you make this decision without consulting anybody in the Congress or anybody on this committee? The chairman didn't know about it. He hadn't heard about it until just recently. What is this subcommittee supposed to do when all the decisions are made independently of us?

Mr. CARLSON. The submission from OMB for the money for the Lake Placid facility was transmitted to Congress within a week before my testimony. I was not aware that it has to be included in the Department's budget.

Mr. DRINAN. I take it that you and your associates made the decision last summer that you would accept it and you made that decision known to the relevant authorities?

Mr. CARLSON. We said we could use it after the completion of the Olympics. It would be feasible. We did not seek out that particular site.

Mr. DRINAN. In that area in Lake Placid, the one and only industry is tourism. How do you expect to find teachers and psychiatrists and people who can help the prisoners?

Mr. CARLSON. I'm convinced we can. In the State of Wisconsin, the location of our Federal Correctional Institution at Oxford has

not proven to be a negative factor in terms of recruitment of professionals. I think that when the jobs are available, we can attract people to work in the institution.

Mr. DRINAN. Mr. Carlson, you have told me and told this subcommittee many, many times that you don't like Standstone because it's 180 miles from Duluth and from Minneapolis. And Lake Placid is further than 180 miles. So how can you reconcile that?

Mr. CARLSON. There is a difference between the Lake Placid area and some of our other locations.

Mr. DRINAN. Why didn't you discuss this with us?

Mr. CARLSON. It was not a site selected by the Bureau of Prisons. Ours will be a secondary use.

Mr. DRINAN. As you may know, I testified before that Subcommittee on Appropriations the other day; at least I submitted a statement protesting this particular way to finance us and to move forward as if the Subcommittee on Oversight didn't exist. On another point, I was quite disturbed to see in your statement the other day before the other Subcommittee on Appropriations that releases to parole have declined from 600, 6,142 in 1975 to 4,500 in 1976. As you know, this subcommittee wrote this parole bill and I never thought it would have this kind of impact, that releases to parole in that year would diminish by 1,500. Maybe we should go to the parole board about this.

But do you have any observations on that?

Mr. CARLSON. No. sir. Congressman Drinan. All I stated was the fact that there was a decline in the number of inmates being released on parole. I have no responsibility for the parole commission. That's a totally separate, independent agency.

Mr. DRINAN. Going back to your fundamental assumption that you use in carrying out your job to house these people humanely, must we assume that the level of criminals is going to continue, that the Congressional Budget Office put out a study recently indicating there was a direct correlation between the unemployment rate and the number of, or the size of the problem population. If we could turn the economy around, we can do something about the inner city; can't we hope that the number of men in prison might level off? Especially in view of the population curve which will be downward at least in a few years?

Mr. CARLSON. Yes, sir. I certainly hope so. That was an excellent study that the Congressional Budget Office completed. The study pointed out something that I certainly hope comes true, that we will see a decline in the prison population.

Mr. DRINAN. Let me go back to Lake Placid. What should this subcommittee do?

Mr. CARLSON. The matter is now before the House Subcommittee on Appropriations, and they will have to take the final action, as I understand it.

Mr. DRINAN. When people interested in these matters write to me, people knowledgeable in prison matters, when they write to me and protest and they say, what is your subcommittee doing? You have oversight, why didn't you stop this? Why don't you do something? What can I write back to them?

Mr. CARLSON. I have explained as best I can——

Mr. DRINAN. How do you feel about my reaction that we were kept in the dark?

Mr. CARLSON. There was no intent on our part to keep you in the dark. We didn't know it was going to be transmitted in that form until it came up to the Hill.

Mr. DRINAN. All right, Mr. Chairman. I assume my time has expired. Thank you.

Mr. KASTENMEIER. Before I yield to the gentleman from Pennsylvania, just to follow up on Mr. Drinan's question, of the $22 million, how much of that is appropriated to the Bureau of Prisons, as opposed to the Olympics?

Mr. CARLSON. The amount was included in our appropriation, and we were not aware of that fact until the day it was transmitted. The total amount is $22 million.

The Congress will have to invest at least $14 to $15 million in a housing complex for Olympic athletes, with a life use of 6 weeks. And again the decision was made to add enough additional money so that the facility would have a secondary use as a correctional institution following completion of the Olympics.

Mr. KASTENMEIER. But then the entire $22 million is chargeable to the Bureau of Prisons?

Mr. CARLSON. That is correct, Mr. Chairman.

Mr. KASTENMEIER. Will it diminish your resources for your other building programs? In other words, is this in addition to the rest, or will this supplant or push aside other requests for new institutions?

Mr. CARLSON. Mr. Chairman, we have authorization pending at the present time from the Appropriations Committee to build three institutions in the Northeast area for youthful offenders. This would be one of the three.

In other words, this is not an additional institution to the ones in our long-range plan.

Mr. KASTENMEIER. It doesn't seem to me that you are any further ahead for some of the reasons cited by Mr. Drinan at this particular facility, other than there is some urgency about building it.

Mr. CARLSON. At the present time we have offenders of the same type that would be assigned to Lake Placid incarcerated in institutions at Morgantown, W. Va., and Petersburg, Va., which are even further removed from the New England area.

While Lake Placid is over 300 miles from both Boston and New York, having an institution there would be an improvement over the present situation.

Mr. BUTLER. Do you have people from Massachusetts in Petersburg, Va.?

Mr. CARLSON. Yes, sir. We certainly do.

Mr. BUTLER. If you build this facility, they will go to Lake Placid instead of Petersburg?

Mr. CARLSON. That is correct, Mr. Butler.

Mr. BUTLER. Don't you think that is progress?

Mr. CARLSON. I think inmate family members would.

Mr. DRINAN. If you would yield, it is much easier to get to Virginia than it is to Lake Placid. And we love to come to Virginia. [Laughter.]

Mr. BUTLER. As far as design of this facility, it is contemplated that your requirements as to design will be ground into the structure of Lake Placid. With all due respect to location and all of the other problems, that you may not—as far as the kind of facility you would like to have, you are assured that it will meet those requirements?

Mr. CARLSON. The institution will be designed to meet our requirements. The location, of course, is not our choice. The institution will house 1,800 athletes. Much of the space that will be used for dormitories during the Olympics will be converted afterward for offender use as schools, vocational training, and other correctional programs.

Mr. BUTLER. Thank you.

Mr. KASTENMEIER. Mr. Ertel?

Mr. ERTEL. Has there been any study done on the difference in costs in locating the facility there, the operating cost, as compared to locating it in an area which would be more urban?

Mr. CARLSON. No, sir. I don't believe any such study has been done.

Mr. ERTEL. Wouldn't it be more expensive to operate that because of the inmates having to go to court, having correctional officers on the move, taking those people back and forth? And wouldn't this add additional operating costs to that institution, and shouldn't that have been taken into consideration before determining that the Bureau of Prisons wanted to locate a prison where it would have its appropriation of money for a prison located in that area?

Mr. CARLSON. I think the increase in costs would be rather marginal. There would be additional transportation expense because the facility would incarcerate sentenced offenders. Their time would be spent in the institution until they are released by expiration of sentence or on parole.

Mr. ERTEL. But there are habeas corpus petitions. And they are on the increase. They are taking up 25 percent of the court time in some jurisdictions.

Mr. CARLSON. They are on the increase; yes. And they would be filed in the northern district of New York.

Mr. ERTEL. They would be transported to those facilities?

Mr. CARLSON. That is correct. And access to Lake Placid is relatively easy.

Mr. ERTEL. But this entire amount of money is coming out of the Bureau of Prisons' budget; is that correct?

Mr. CARLSON. That is correct, Congressman Ertel.

Mr. ERTEL. Have you suggested that you did not want that money utilized in that manner?

Mr. CARLSON. Yes, sir. We felt that we were a secondary user, and our recommendation was that it not be included in our budget, but rather in another budget for submission to Congress.

Mr. ERTEL. Did you consider to the Appropriations Committee that it not be funded?

Mr. CARLSON. No, sir. Once the decision was made by the executive branch, I did my part to carry it out.

Mr. ERTEL. I would like to turn to another question that Mr. Drinan brought up and the fact that parole has been reduced in the Federal institutions. Is that a result of the mix of inmates you are getting now, with the reduced number of people you are getting in auto thefts?

Mr. CARLSON. I believe that is correct yes.

The inmates are serving longer sentences, and a higher percentage are incarcerated for more serious offenses.

Mr. ERTEL. I am curious. What happened to all the Dyer Act offenders? Have you overcrowded the State prisons as a result of that? Have the motor vehicle thefts decreased?

Have you now put a burden on the State system?

Mr. CARLSON. I don't know what's happened to Dyer Act offenders. But I do know State institutions are overcrowded and I would agree that this is another burden that is being imposed on them.

Mr. ERTEL. I am also interested, I had a question raised to me recently. And Lewisburg is in my district.

Mr. CARLSON. Yes, sir. Congressmen Ertel.

Mr. ERTEL. This was a question raised that paralegals are not allowed to interview prisoners.

I wondered, is there a policy of the Bureau of Prisons concerning that?

Mr. CARLSON. A paralegal who has been introduced by a member of the legal profession certainly would be permitted to inteview inmates.

Mr. ERTEL. Do you have guidelines on that?

Mr. CARLSON. Yes sir.

Mr. ERTEL. Would you provide a copy of that?

Mr. CARLSON. Yes, sir. We certainly will.

Mr. ERTEL. What is the design capacity of Lewisburg?

Mr. CARLSON. The design capacity of the institution is 1,026.

Mr. ERTEL. Is there any kind of testing that you do when you put a person in to separate auto thefts from the armed robberies?

Mr. CARLSON. We attempt to segregate inmates first of all by age, second by degree of criminal sophistication and, third, by residence.

The hard core, long term, aggressive type of offender is sent to a security penitentiary such as the one at Lewisburg.

Mr. ERTEL. Thank you.

Mr. KASTENMEIER. If there are no further questions, the committee thanks you for your appearance here this morning.

Mr. DRINAN. Could I ask just one more thing?

Mr. KASTENMEIER. Sure. Go ahead.

Mr. DRINAN. What about the question of protective custody? Mr. Kastenmeier wrote to you sometime ago. This is a very difficult subject. And Mr. Kastenmeier's letter was dated April 26. And then you know about the judicial decisions. Would you want to give us any guidelines on how you people are trying to handle this matter?

Mr. CARLSON. Are you referring to the control unit at Marion?

Mr. DRINAN. That is one of the issues, yes.

Mr. CARLSON. We have 68 inmates in the control unit at the penitentiary at Marion, Ill., at the present time.

I will be glad to provide the committee with a list of those inmates and their criminal records.

We have many hard core offenders and 68 of the most aggressive and assaultive are controlled at Marion in a special unit. One of them seriously injured a U.S. Senator here in Washington and later killed another inmate. A class action suit involving the Marion control unit is now before a Federal court, and, of course, it is improper for me to comment on matters under litigation.

Mr. DRINAN. Thank you.

Thank you, Mr. Chairman.

Mr. KASTENMEIER. The committee thanks you for your appearance this morning.

And this committee and your office, will be in further touch again in the course of this Congress.

And we appreciate your briefing this morning.

Mr. CARLSON. Thank you very much.

Mr. KASTENMEIER. Now the Chair would like to call Mr. William Gray, the Director of the Executive Office of the U.S. Courts.

TESTIMONY OF WILLIAM GRAY, DIRECTOR, THE EXECUTIVE OFFICE FOR U.S. ATTORNEYS, ACCOMPANIED BY WILLIAM TYSON, DEPUTY DIRECTOR

Mr. GRAY. I would like to introduce Mr. William Tyson, our Deputy Director.

Not only is this my first appearance before this committee, but I believe this is the first appearance within recent history of our Office before this committee.

Accordingly, the statement that we have prepared and submitted is more in the nature of a description of our functions because we believe that this would be a good opportunity to get acquainted, to explain what our functions are, what we do, so that that is the nature of the testimony that we have, that I have prepared.

Mr. KASTENMEIER. Mr. Gray, I think that is indeed appropriate, and that is what we would expect.

Mr. GRAY. Good.

I appreciate very much the invitation of the subcommittee to appear here today for the purpose of giving testimony describing the responsibilities and structure of this Office.

I will briefly describe the structure of the Office, but for your convenience, I am attaching to this statement a copy of the organization chart of the Executive Office.

Also, to assist the subcommittee in a more in-depth study of the work of the U.S. attorneys, I am providing separately a copy of material the Exectuive Office has prepared for inclusion in the annual report of the Attorney General for 1976.

The annual statistical report is at the printers and should be available in the near future. If the subcommittee desires a copy, I will see that one is provided as soon as it is available.

Mr. KASTENMEIER. We would be pleased to receive a copy from you, and indeed in sufficient number for each member of the subcommittee.

Mr. GRAY. We shall submit that.

[The report appears at the end of Mr. Gray's testimony.]

Mr. GRAY. The Executive Office for U.S. attorneys was established in the Office of the Deputy Attorney General by order No. 8–53 of April 6, 1953. Section 0.16 of title 28 of the Code of Federal Regulations, as amended in 1976, provides that the Exectuive Office for U.S. attorneys shall be under the direction of a director. Under the supervision of the Deputy Attorney General, the Director shall:

A. Provide general executive assistance and supervision to the offices of the U.S. attorneys and coordinate and direct the relationship of other organization units of the department with such offices.

B. Publish and maintain, subject to the general supervision of the Attorney General and under the direction of the Deputy Attorney General, an U.S. attorneys manual for the internal guidance of the U.S. attorneys offices and those other organization units of the Department concerned with litigation.

C. Supervise the operations of the Attorney General's Advocacy Institute, which shall develop, conduct and authorize professional training for U.S. attorneys and their assistants.

There are 94 districts, thus 94 U.S. attorneys.

Our current staffing authorization as provided by Congress for fiscal year 1977 allows 1,643 assistant U.S. attorneys, and 1,808 support personnel to staff these offices, a total of 3,545 persons.

These 1,737 attorneys represent approximately 50 percent of the attorney resources in the Department of Justice.

There are 94 headquarters offices and 55 staffed branch offices for a total of 149 staffed offices throughout the country.

The responsibilities of the director of the Executive Office of U.S. Attorneys include the allocation of resources and in the management of the budget for the 94 districts.

The Executive Office coordinates and directs the relationships of the divisions, offices and bureaus of the Department with the U.S. attorneys offices.

I like to think that to a large extent the director of the Executive Office and its staff represent the field offices within the structure of the Department of Justice.

We are put in a position of advocating their positions very frequently.

This coordination can range from individual cases to support of major special programs and activities such as: White collar crime program; cargo security program; controlled substance prosecution units; Department of Agriculture/Farmer's Home Administration foreclosure matters; HUD foreclosure Department of Interior condemnation matters; Securities and Exchange Commission fraud matters; Wounded Knee disturbance matters.

The Executive Office prepares and justifies the budget for obtaining funds to operate the 94 U.S. attorneys offices. The budget and staffing levels of the offices of U.S. attorneys for fiscal years 1974, 1975, 1976, and 1977 are shown in the statement; and I will not repeat them at this time.

Recommendations for the Presidential appointment of the U.S. attorneys are processed by the Executive Office for U.S. attorneys for the Attorney General.

The hiring of assistant U.S. attorneys recommended by the U.S. attorneys is handled by the Executive Office for United States Attorneys for the Deputy Attorney General who has been delegated the appointing authority.

The decision as to personal and professional suitability for employment and entry level salaries is made by the Executive Office for U.S. attorneys subject to approval by the Deputy Attorney General.

The Executive Office advises and recommends approval to the Office of Management and Finance concerning personnel actions relating to nonlawyer employees in U.S. attorneys' offices.

The director supports and assists the Attorney General's Advisory Committee of U.S. attorneys. The committee consists of 15 representative U.S. attorneys.

By that I mean geographically and also the size of the office.

The committee was established on September 20, 1973, by then Attorney General Richardson for the purpose of receiving input from U.S. attorneys regarding Department policy.

There are five commitees: (1) Investigative Agencies, (2) Allocation of Case Responsibility and Resources, (3) Legislative and Rules, (4) Communication and Training, and (5) Department Field Offices, their operation, organization, and relationship to the U.S. attorneys.

The director organizes and coordinates national and regional conferences of U.S. attorneys. The last national conference was held in San Diego, Calif., in May 1976.

The Executive Office promotes high performance standards for assistant U.S. attorneys by selecting the best legal talent available and by providing training through the Attorney General's Advocacy Institute for new assistants in basic trial and appellate advocacy and in advanced subjects for senior assistants such as white collar crime, criminal tax, environmental law, Indian law, FHA/HUD fraud, controlled substances prosecution, and other subjects.

Nongovernment training in appropriate subjects for which the Institute does not conduct training programs, is also approved on a case-by-case basis.

The director promotes high standards of performance by administrative support personnel through careful hiring and promotion, periodic evaluation, conducting management training for administrative officers and by providing training in specific subjects such as docket and reporting system, collections policies and procedures, and personnel policies and procedures.

Also other governmental and nongovernment training in office management and related subjects is approved as needed.

The director provides U.S. attorneys with Department of Justice policies and procedures through editing and publishing the U.S. Attorneys' Manual and with current developments and interpretations in law and procedure through publication of the U.S. Attorneys' Bulletin every 2 weeks.

The Executive Office processes requests received for access to U.S. attorney files under the Freedom of Information Act and Privacy Act.

This activity requires the services of two full-time attorneys and two full-time support persons in the office.

Our latest figures show that in calendar year 1976 we processed a total of 379 Privacy Act requests and 202 Freedom of Information Act requests, a grand total of 581.

That completes my statement, Mr. Chairman, and I will be happy to answer any questions which the subcommittee may have.

Mr. KASTENMEIER. Thank you, Mr. Gray.

Precisely, there is one U.S. attorney for each judicial district, even though there may be one or more judges in each district? Is that correct?

Mr. GRAY. That is correct, Mr. Chairman.

Mr. KASTENMEIER. Operationally, and in terms of day-to-day activities, what is the relationship of the U.S. attorney to the chief justice of the district or if there is one judge, the judge of district and to the office, to the agent in charge of the Federal Bureau of Investigation, agent in charge of that area? Is there some special relationship they have with respect to duties?

Mr. GRAY. Mr. Chairman, I think that the relationships do not follow any clear and consistent patterns from district to district. They depend a great deal upon the personalties and the abilities of the particular

persons involved. In most offices, I think it is fair to say that the U.S. attorney is the principal point of the relationship to the court and in those instances where there is a chief judge, who is the spokesman for the court, with the chief judge.

With respect to the special agent in charge, I think it is fair to say that in many districts the FBI will relate to an assistant U.S. attorney or an assistant who may be in charge of a criminal division, I would say that in most instances the U.S. attorney relates to the local FBI supervisor primarily only when there is some difficulty that the assistants have not been able to work out with the FBI. I am sure the U.S. attorney takes responsibility for the relationship. But we would not be the main point of contact in most districts.

Mr. KASTENMEIER. For example, and I won't press you on this issue, but I am using it only as a point of reference, and essentially I am asking the question due to my lack of understanding.

For example, in years past when it was alleged that there were orders in each U.S. attorney's office for pickups of subversives and others, in the event that a certain set of circumstances would come about, and there was some question of whether these emanated from the Federal Bureau of Investigation or through, from the Attorney General, or what.

Now, in subsequent years these lists have been, at least reference to them or the operating effect has been diminished.

But allegations that there were sealed orders in the U.S. attorney's office caused me to be curious about this, would not these orders have to come from the Attorney General and not from the Federal Bureau of Investigation, and so forth?

Mr. GRAY. I don't have any knowledge of the kinds of orders to which you address your question. I think that it is clear that the U.S. attorney is subject to the supervision of the Attorney General and/or the Deputy. I think he is the person chiefly responsible for Federal law enforcement within his district. As you know, there are activities of the FBI which do not relate strictly to the enforcement of criminal laws or its is my understanding that that is the case. But when it comes to the execution of a warrant, filing of a complaint, there is no question that it is the U.S. attorney, subject to the supervision of the Attorney General and perhaps certain Assistant Attorneys General, is primarily responsible, and his committee can look to that U.S. attorney and hold him responsible.

And I might say that we, to the extent we exercise supervision over it, look to the U.S. attorney as the person responsible, and it would not be a sufficient explanation to say that the FBI wants it otherwise.

Mr. KASTENMEIER. We have reached a time which occurs each 4 or 8 or more years in terms of the appointment of U.S. attorneys in hiring assistant U.S. attorneys. In terms of the appointments, has there been any change, to your knowledge, from prior traditional, let's say, policies or rules in that connection, as a result of a new President and Attorney General?

Mr. GRAY. I am sure that the members of the committee are aware of the statements that have been made by the President and by the Attorney General in which the Department of Justice is committed to the merit selection of the U.S. attorneys.

I am not certain that I can speak with confidence as to what happened many years ago. I did first enter the system as an assistant U.S. attorney in 1968, slightly before the election, in a district in which there was little change in assistants, but a change in U.S. attorneys.

It is my understanding that the Attorney General is presently preparing some communications to the Congress concerning his views on the selection of U.S. attorneys. And I am not at liberty or prepared to disclose just what the nature of those communications are. But I think he intends to do so. If you would like, I will send whatever communication we get to this committee, probably I am stating the obvious, because I am sure he would send those to you.

Mr. KASTENMEIER. But the Attorney General has not communicated to your office directly any change with respect to the practices of the appointments of U.S. attorneys?

Mr. GRAY. There are some changes I can identify. I might say that our office plays a staff role with respect to this function. We receive the letters of recommendation, we process them, we review the FBI background, if there is one. But at present, at least, the selection process does not end in our office. We make recommendations in many instances, and we pass them on. I can identify one facet which I believe to be a change, and that is shortly after the Attorney General took office we were asked to communicate with all incumbent U.S. attorneys and ask them whether they wished to be considered for retention on a merit basis.

I believe that to be a change from prior circumstances. And it is too early, I think, to tell just how that will work out. A number of U.S. attorneys have expressed an interest in being retained. But I don't know how that will work out.

Mr. KASTENMEIER. Do U.S. attorneys serve a term certain or at the pleasure of the President?

Mr. GRAY. The statute provides for a term of 4 years, but subject to removal by the President. So, by statute, it would appear that the President has the option of removing them before the termination of that term.

Mr. KASTENMEIER. Is my impression of either the President or the Attorney General—I think it has been indicated that the U.S. attorneys would be replaced to the extent that a person more qualified for the position was in fact applying or could be found. And that tended to leave the matter, to suggest that if a more qualified person could not be found, the incumbent would not be replaced.

Mr. GRAY. That is my understanding of the procedure that is contemplated.

Mr. DRINAN. Would you yield?

Mr. KASTENMEIER. Yes.

Mr. DRINAN. In the statute it says that each U.S. attorney shall be appointed for a term of 4 years. On the expiration of his term, a U.S. attorney shall continue to carry out his duties. Each attorney is subject to removal by the President. Does that removal mean without cause, just subject to the removal by the President?

Mr. GRAY. That has been the understanding. I don't know of any instance in which the question has been litigated in courts or where an incumbent has seriously challenged that.

There have been a few instances, I am sure you are aware of them, when U.S. attorneys did remain for a period of time, but were subsequently removed.

Mr. DANIELSON. Didn't we have such a situation in the Southern District of New York within the last year or two?

Mr. GRAY. I spoke earlier of the office in which I entered the system. I was an assistant in the office at that time. And I was alluding to that.

Mr. Morgenthau served until approximately December of 1969, and I was not privy to all of the communications with him, but it is my understanding that, at least the press reported that, his departure was not entirely voluntary.

As an assistant in that office I can't tell you exactly what happened at that time.

Mr. DANIELSON. I think he got fired, frankly.

Mr. GRAY. Well, I think the way it was stated by the then administration was that they had permitted him to remain for a longer period of time than other people had remained, in order to conclude certain litigation. I know that when that occurred several major trials had been concluded.

I might say, Congressman Danielson, that there is a new situation in New York that is worth discussing. And that is that the Attorney General has written to three incumbent U.S. attorneys in New York, the fourth having resigned, and asked each of those to consider serving out the remainder of his term. He did so at the urging of Senator Moynihan, and the chief judge of the second circuit, so that I am able to report to you that all three of those U.S. attorneys in New York have been asked to serve the remainder of their terms.

Mr. DANIELSON. Thank you.

Mr. ERTEL. If the gentleman would yield for a moment, it is my understanding that in Pennsylvania there is an issue as to whether the U.S. attorney in the eastern district and in the middle district will remain; is that correct?

Mr. GRAY. To be precise about it, sir, I think that is an issue in every district.

Mr. ERTEL. But I think there have been press reports where they have indicated that they will not resign.

Mr. GRAY. I think that the U.S. attorney in the Eastern District of Pennsylvania has been reported to have said that he doesn't intend to resign, that he will remain. I don't know about the Middle District of Pennsylvania, although it may be true.

Mr. ERTEL. Thank you.

Mr. KASTENMEIER. Just so I am clear on it, did we establish that U.S. attorneys serve at the pleasure of the President and notwithstanding the fact that that may be less than 4 years, less than the 4-year term or not?

Mr. GRAY. I think, Mr. Chairman, I probably should state my view, and that is, my view is that the President has the power to replace a U.S. attorney before the end of his term. I feel quite certain of that. At least that is the historical perspective.

Mr. KASTENMEIER. Thank you. The Attorney General's advisory committee, I understand that one of the purposes, as you indicated, was legislative?

Mr. GRAY. Yes.

Mr. KASTENMEIER. And I believe it is the case that at least on one occasion legislation before this committee was the subject of a recommendation by the advisory committee. Now, I assume, and that there was some communication with Congress, members of the committee, even though not requested, which would be unusual with respect to the executive branch.

Usually, the executive branch, such as the Attorney General, offers an opinion on request, departmental request. Or requests to testify.

But in this case, the views of this advisory committee were offered not upon request. Is that, is that your understanding, that it may function in that connection?

Mr. GRAY. Well——

Mr. KASTENMEIER. As though it was an outside group?

Mr. GRAY. I think I would have to say that it may have happened. And it may, indeed, happen again. But it is certainly not the contemplated procedure. The contemplated procedure is that all communications between the Department of Justice and the Houses of the Congress should be coordinated through an office in the Justice Department set up for that purpose.

Mr. KASTENMEIER. Is it possible that their legislative recommendations would differ from that of the Department of Justice as an entity?

Mr. GRAY. It is possible that their perspectives and preferences would be quite different from, let's say, those in the litigating division.

I believe that, however, the Congress should be able to look to the Justice Department for a single voice on legislation and would discourage any separate communications.

It is quite possible that views would be different. I am sure you understand that. But it is my belief that the Department should speak with one voice.

Mr. KASTENMEIER. In terms of the Department's best insurance, I think it would wish that that recommendation would be for internal purposes only.

I think if it did otherwise, it would run the risk of some difficulty, political difficulty.

Mr. GRAY. I might say that there are instances in which I believe that the best voice to state the Department's position is a U.S. attorney or the Advisory Committee of U.S. Attorneys because, in many instances, the legislation which is being considered will have the greatest impact upon their operation and they have the frontline experience with the question under consideration. But it is my position and that of our office that their view should be coordinated and approved by the Department of Justice before communicated.

Mr. KASTENMEIER. I will now yield to my colleague, the gentleman from Virginia.

Mr. BUTLER. Thank you, Mr. Chairman.

Mr. Gray, how many people are in the executive office for the U.S. attorneys?

Mr. GRAY. Within our own little, our own office?

Mr. BUTLER. I don't know whether it is little or big. That is not my question.

Mr. GRAY. Approximately 35 employees.

Mr. BUTLER. To supervise 94 attorneys?

Mr. GRAY. And 3,700 employees in the field, including the lawyers and clerical staff.

Mr. BUTLER. Who performed this function before the regulations were amended in 1976?

Mr. GRAY. Before 1953 the functions were coordinated out of the administrative division of the Department of Justice. Some of the functions were performed there. Some of the functions were performed out of the Deputy's office directly by the staff of the Deputy Attorney General. I am not absolutely certain.

Mr. BUTLER. This change was not a substantial one then?

Mr. GRAY. The change in the Code of Federal Regulations?

Mr. BUTLER. Yes.

Mr. GRAY. No, we added the description of the responsibility to maintain the manual. I think it existed before that. But it was clarified. And, essentially, it clarified the training responsibilities that are exercised through the Advocacy Institute.

Mr. BUTLER. Would it be asking you a little too much—It is an unnecessary office, so I won't ask you that, but tell me about your training facilities.

This is to train U.S. attorneys and their support staff. How long has that been in existence?

Mr. GRAY. The Advocacy Institute has been in existence for 2½ years, sir. But many of the functions were performed before that on an ad hoc basis. The office has conducted training for nonlawyers for some time. For example, clerical employees who may be involved in collections work and that sort of thing. But before the creation of the Advocacy Institute, there was no Federal training for the lawyers in the arts of advocacy.

Mr. BUTLER. And there was no manual until then?

Mr. GRAY. Yes. There was a manual. And the last time the manual was revised was 10 to 15 years ago. And one of the things that I would say the office has accomplished in the last year is to substantially revamp the manual.

We are now in a system where the manual can be changed on about 30 days' notice.

We have a procedure for putting in temporary adjustments in departmental relationships. They go in almost immediately, and within 90 days they lapse, unless incorporated by order of the Attorney General. So we have streamlined the procedure and we are quite pleased with the result.

Mr. BUTLER. I judge from these developments that the U.S. attorney is becoming more and more a specialty with the general area of the practice of law, and that it is going to be difficult to justify shifting to a new round of people just because of a political faith.

Do you think that is a fair statement?

Mr. GRAY. I think it is certainly fair to state that one could not justify changing the entire legal staff of the U.S. attorneys because of a change in administration or any other reason.

The nature of our litigation has become so complicated that that is a luxury that can no longer be afforded.

With respect to the particular office of U.S. attorney, and whether that——

Mr. BUTLER. I am not asking you to address yourself to that.

That is certainly a policy decision that the administration has to make. But I think that from what you say, that if we have got well-trained assistant U.S. attorneys, that we are fortunate to have them. And I think that recruiting them may be a problem.

So that is my next question. How hard is it to get somebody to work in a U.S. attorney's office now with the opportunities available to law graduates?

Mr. GRAY. It depends on the district. For example, in one of the districts, the Southern District of New York, they are blessed with real resources. They have a backlog of very qualified applicants that they are not able to accept. In other districts it is difficult to find the kind of assistant U.S. attorneys that we would like to see working in the offices.

We do expect—first of all, I might say I agree with your view as to the desirability of retaining qualified people.

We do expect that there will be less turnover in this change of administration than any time in history, as a result of a number of factors, including the complexity of the litigation, including salaries, which are better than they were when I started about 8 or 9 years ago.

So that I would expect there will be a great deal more continuity than in the past during the change of administration.

Mr. BUTLER. One more question, if I may, Mr. Chairman. Back to the training program, the Advocacy Institute, to what extent are you coordinating your efforts here with the LEAA to the possibility that this might be developed through a training program for State and local commonwealth attorneys?

Mr. GRAY. Congressman Butler, I can't say that we have worked with them in any significant way to develop a program which they might use to export.

We do work with them to obtain their assistance and recommendations to the extent that they have funded organizations.

We do work closely with the litigating divisions which may have their own training programs.

Mr. BUTLER. You mean the litigating divisions of the Department of Justice?

Mr. GRAY. Yes. We have begun to assume almost all of the lawyer training for the entire Department. And almost every class, in almost every class there are some new lawyers from the litigating division who have attended. And we are asked to run more and more programs for them, which we think is helpful also, because they also carry a great deal of the litigation burden.

Mr. BUTLER. Thank you very much.

Mr. KASTENMEIER. The gentleman from California, Mr. Danielson.

Mr. DANIELSON. I note in your 94 offices you state that the smallest one is Guam with one assistant. The average is less than 10, I guess. Do you have very many offices now with one, two, and three assistants?

Mr. GRAY. We have about eight offices with fewer than four.

Mr. DANIELSON. Fewer than four?

Mr. GRAY. Yes.

Mr. DANIELSON. Do you have any part-time assistants any more, assistants who are permitted to have additional practice on the side?

Mr. GRAY. No, sir. Occasionally, a private lawyer might be hired

to assist in a particular case for a fixed period of time, either because there is a conflict with the existing lawyers or, for example, because someone who leaves the office and has particular expertise and may be brought back for a brief period of time. But the answer essentially is no.

Mr. DANIELSON. Your plan is to have assistants and U.S. attorneys who have no collateral private law practice?

Mr. GRAY. That is correct.

Mr. DANIELSON. Do your assistants handle the appellate work?

Mr. GRAY. The attorney handle appellate work through the circuit courts of appeals.

By the time it gets to the Supreme Court, as you know, the Solicitor General's Office takes over.

Mr. DANIELSON. The field handles it up through the circuit?

Mr. GRAY. Certainly in the criminal area. In other instances, it depends upon the division's interest in that matter. They may not always handle the case, but they usually will.

Mr. DANIELSON. Do you think that the U.S. attorney himself in most of the districts actively participates in litigation?

Mr. GRAY. The answer to that, I think, is yes. Even in the largest district, he actively participates in litigation. If you would ask me whether they all try cases frequently, my answer would have been, no, because the U.S. attorney is a manager, a litigation manager.

In the very largest offices I think it is fair to say that the U.S. attorney's participation in a trial in the courtroom is relatively infrequent.

Mr. DANIELSON. To what extent do you give the U.S. attorney autonomous discretion on deciding whether or not to prosecute a given case?

Mr. GRAY. I think the fair answer to that, in my judgment, is to a very large extent. The U.S. attorney is the principal decisionmaker in, I would guess, 85 percent of the criminal cases that are presented to his office.

Mr. DANIELSON. But the Department retains the right to overrule and to insist upon consultation?

Mr. GRAY. Yes; and in particular areas either because of the statute or some particular problem, there are other prohibitions.

The most obvious example is the tax situation.

Mr. DANIELSON. To what extent does your office supervise assistant U.S. attorneys and supporting staff? I can see where you would lay out policy for the attorney. But do you go beyond him to tell the stenographers how to type and so forth?

Mr. GRAY. Through training we hope to reinforce certain kinds of conduct. And in all instances it is our desire to deal with the office through the U.S. attorney.

We believe that he or she should be the principal manager there and that policy or practice should be enforced through the U.S. attorney.

Usually, we don't deal directly with the assistant U.S. attorneys.

Mr. DANIELSON. Your comment that your supervising function over the U.S. attorneys and their staff, you really mean U.S. attorney and——

Mr. GRAY. I do mean that; yes. I answered that way, sir, because we have a sizable budget. Our budget for 1977 is just about $100 million. A lot of which is salaries.

Just last week at the advisory committee meeting, they asked me to consider increasing some support staff in certain areas, and I expressed my opinion that we should not do that. We should keep the staff as lean as we could, because any resources we take do not go to the field where they are needed.

Mr. DANIELSON. How many female U.S. attorneys do we have?

Mr. GRAY. We have no female Presidentially appointed US. attorneys, I used to say that there had never been one. But I was advised that there was.

Mr. DANIELSON. There is one in Texas, I think.

Mr. GRAY. There have been some court-appointed female U.S. attorneys who served on an interim basis, and I am advised that a search of the record discloses the name of someone that was probably female in about 1920.

We do expect that situation to improve in the next few years.

Mr. DANIELSON. I understand the law schools are running about one-third women now. So I hope that will be coming about. How about the assistant U.S. attorneys? Do you have any women there?

Mr GRAY. Yes, sir. Quite a number. I don't have the statistics right here. But I can provide that.

Mr. DANIELSON. Just ballpark. Do you have some?

Mr. GRAY. We have some; yes. I think we can say probably about 10 percent right now of our assistant U.S. attorneys are women.

Mr. DANIELSON. In the—the U.S. attorney used to be the Government's lawyer for almost everything. I have noticed a tendency in recent years to permit independent agencies, that seem to want to send up their own law office to handle certain litigation. I have opposed that, but without much success. I think Mr. Butler helped me to get clobbered on that last year. But I did notice that in connection with that the Attorney General's Office didn't seem to give us much support. They wanted to preserve their jurisdiction.

Is it the policy of the Department to let these different specialties like Food and Drug and Consumer, and what not, sort of fritter away?

Mr. GRAY. I am not sure I can respond without further inquiry as to the policy of the Department. I can tell you what I perceive to be the wishes of those people with whom I work, and that is that we believe that the Justice Department should represent the U.S. Government in almost all matters in Federal district courts.

Mr. DANIELSON. I hope you will be firm about that, because sometimes we need a little help up here.

Thank you very much.

Mr. KASTENMEIER. The gentleman from Massachusetts?

Mr. DRINAN. Thank you, Mr. Chairman. I find this very interesting. I don't recall ever before having a hearing on the U.S. attorneys. But one of my problems with the U.S. attorneys through the years is the visability of some and the apparent lethargy of others. But we know nothing that goes on in this process. Do you have any recommendations how we in the Oversight Committee could know how and by what means a U.S. attorney reaches a decision to prosecute? We have had activism during the past few years. Spiro Agnew was prosecuted. And I don't know whether if we had all activists, whether you would have indictments and all types of prosecution for environmental offenses and other things, this is pervasive.

I can make no judgment whatsoever. And that, for example, with regard to this building in which you are testifying so ably, that there as an investigation by a grand jury under Mr. Stephen Sachs in Baltimore of alleged corruption with respect to the building of the underground garage in the Rayburn Office Building. The grand jury recommended the indictment of two Senators and four Congressmen and allegedly the Attorney General John Mitchell refused to authorize those indictments.

Do you know how we can know how these decisions are made?

Mr. GRAY. That is a very difficult question, Congressman Drinan, because there are several problems I am sure that you are acutely aware of. For one, I don't understand it to be your wish that the subcommittee would, infact, review the facts of any cases, many of which have been developed in the grand jury.

Mr. DRINAN. No. But some guidelines by which we could make some judgments as to whether the attorney is goofing off or whether somebody else is being an exhibitionist.

Mr. GRAY. I think that the best thing for this subcommittee to do and for the Department of Justice to do in response is to try to stay attuned to one another with respect to the allocation of resources.

It is my judgment that the prosecution function always involves a matter of priorities.

There is no way that the system can prosecute all potential violations.

Mr. DRINAN. But we have no way of determining how the U.S. attorney in Baltimore settled on those priorities. Shouldn't we have a record of everybody who comes to him and saying that Mr. Jones is corrupt. And that Congressman Smith should be investigated. All we see are the indictments that actually materialize. We don't know anything else.

Mr. GRAY. Well, I am afraid I am one of those who believes that it is still primarily an Executive function to decide who shall be prosecuted and how to proceed on any given case. I think that the Congress has the power to question whether a decision was correct and perhaps receive a report. As you know, we receive letters frequently from Members of the Congress in the Senate and House asking for an explanation of a given action and we do our best to respond. I am speaking for the Department of Justice entirely, on this. We can only respond subject to the limitations that we have, including rule 6 of the Federal Rules of Procedure

Mr. KASTENMEIER. I think you have touched on a very important issue. And it is not how any one case was decided in terms of whether to resort to prosecution or not, rather, the question is what policy or guidelines are followed with respect to the selection of cases for prosecution and even, for example, for the immunity and other practices authorized by this committee.

It is very important to us in terms of the evenness of justice as applied by the executive branch, by the Justice Department. It is not any given case we are interested in the decision. But we are interested in the decision processes. Whether your manual, for example, should assure that various U.S. attorneys throughout the country practice more or less evenhanded justice, one with the other. We are interested in knowing whether we are susceptible to the individual disposition of the U.S. attorney, a vigorous one versus one not so vigorous or one

that fails to prosecute political types, and another that does so conscientiously or whatever. I am talking about the country as a whole in the administration of justice, and that is what this subcommittee is interested in, the administration of justice.

Mr. GRAY. Mr. Chairman, again, an excellent question and one which deserves a very thoughtful answer. The quandary posed with respect to guidelines and the exercise of prosecutive discretion, for example, is how to steer the course between—how to steer the course in a way that will assure a reasonably enhanced application of the discretion, on the one hand, and avoid litigation at every stage of the proceedings, on the other.

That is the quandary that the Justice Department faces in dealing with the question of the guidelines on the exercise of prosecution.

It has been the position of myself and our office that the best way to do that is not through the issuance of written guidelines which in order to have any flexibility in them at all would have to be very general.

It has been our position that the best way to deal with that is through the education of those who are exercising the discretion.

In other words, to educate attorneys who are exercising that function as to the considerations that the Justice Department and the Congress, to the extent they have expressed their opinion, feel is justified.

I admit to being one of those who is leery of written guidelines on the exercise of prosecutorial discretion because I fear that when it's very clear exactly what the guidelines are, even if they are limited by the Attorney General for internal use, that every indictment that is filed will result in some kind of pretrial litigation concerning the propriety of the grand jury's decision to proceed. Even today without such guidelines there are district courts in the United States where the court will put the prosecutor on the stand and ask, "What motivated you to do that particular case?"

It is my belief that the system suffers as a result of that increase in litigation, and I believe that the best way to proceed is through the selection of qualified people and their education.

Mr. KASTENMEIER. Yes. It is not my purpose to suggest that there ought to be congressional second guessing of prosecutorial discretion. But, for example, even physicians today engage in peer review in a number of areas. And I would think some sort of peer review of decisions made in various U.S. districts might be beneficial.

Mr. GRAY. Mr. Chairman, I think that there is more peer review and more control than appears to the public and perhaps to this subcommittee. For example, it is our opinion in advising U.S. attorneys on how to set up offices, that they should centralize the decisionmaking within the office. That it's the most obvious area for difficulties.

If an FBI agent knows that he can go around shopping for attorneys, and whose opinion on a given state of facts would vary, you have a probability in even right at that level.

So we encourage, and I think in almost all instances now, find centralization of the decisionmaking process within the U.S. attorneys' offices.

Now, from office to office there is, I think, a fair amount of review. Certainly whenever there is a problem it does come to the attention of

our office, the Head of the Litigation Divisions, to the deputy or to the Attorney General's Office. And I spend a fair amount of my time dealing with these kinds of problems.

So-and-so has an allegation that such-and-such prosecution is improper and steps are taken to see that the decision is reviewed at a higher level. I think we prevent a great number. I can't say all of them. But I think we prevent a great number of bad decisions, both in terms of bad authorizations and bad declinations.

Mr. KASTENMEIER. The gentleman from Massachusetts?

Mr. DRINAN. You have not been responsive at all really to the question that you said is a good question. I don't know what things they don't discuss. Does the Advisory Committee publish a report or do we have a summary of their proceedings? These 16 members, they are all U.S. attorneys, do they ever make an evaluation of how many cases they don't prosecute? Do they say, let's take the percentage of environmental prosecutions in the various districts? I mean, what do these people do? Has it become a paper committee?

Mr. GRAY. There are minutes and a record of every meeting and their proceedings. And they are available.

Mr. DRINAN. They are open to the public?

Mr. GRAY. They are certainly open to the members of this subcommittee and I know of no reason why they wouldn't be open to the public.

Mr. DANIELSON. Are you talking about decisions as to whether or not a prosecution should be instituted?

Mr. DRINAN. No; not at all.

Mr. GRAY. I was responding concerning the minutes of the Advisory Committee.

Mr. DRINAN. Go ahead. Respond to my original question.

Mr. GRAY. I don't know that I have any suggestions to this subcommittee as to how you can be satisfied that the Justice Department is exercising its discretion in a satisfactory manner. I might ask, do you have some specific reasons for concern?

Mr. DRINAN. Yes; I do.

Mr. GRAY. Because if you do——

Mr. DRINAN. This breeds a lack of confidence. And people are saying, why are some politicians indicted in various districts and politicians in other districts are never indicted. I have many reasons to say that the U.S. public does not know how this system operates. And they don't know that this Democrat comes and he goes away and a Republican comes. They think the worst and they are prepared to think the worst. When they see indictments come out, they say, why, in Maryland they had a Congressman Dowdy and Senator Brewster and Spiro Agnew, why aren't they doing that all over the country?

Those are questions that I can't answer.

Mr. GRAY. I don't think I can tell you how this committee can answer those kinds of questions from the public. I can simply say that we believe that, within the limitations proscribed by the Code of Ethics and by law, prosecutors' final decisions should be made public. There are some prohibitions, of course, established by the courts that prohibit us from going too far in that regard.

As to how to decide what kind of U.S. attorney to select or who will be vigorous or not, I don't have any magic test. We do our best to assess

the qualifications of candidates, their integrity, their enthusiasm for their job, and do our best.

Mr. DRINAN. One last question. Is there any record at all by which the Department of Justice can look back over a period of 4 years and know what decisions were made by a U.S. attorney as to what cases not to take up, with whom did he talk? Was there a beginning of an investigation and he dropped it? And does he have to describe the reasons for it? Is there any way by which after 4 years someone in the Department of Justice is able to make an assessment of the nondecisions of that particular attorney?

Mr. GRAY. I would like to define "nondecisions." By that do you mean a decision not to prosecute?

Mr. DRINAN. Or not even to begin to investigate.

Mr. GRAY. That one is hard to catch.

Mr. DRINAN. That's the key question because you're saying, he should have that discretion and you're not even giving any written guidelines. What education goes on? We know nothing. You're just saying, let the Department of Justice do it. I want sunshine.

Mr. GRAY. I'm in favor of sunshine, too. I am not in favor of having all decisions made public.

Mr. DRINAN. I didn't say that. Don't put those words in my mouth.

Mr. GRAY. I think there are some dangers to making public all of the decisions that a prosecutor makes along the line.

Mr. DRINAN. I'm not recommending that.

Mr. GRAY. I firmly believe that it is the prosecutor's function to speak in court with an indictment and not elsewhere.

Mr. DRINAN. I yield back the balance of my time.

Mr. KASTENMEIER. The gentleman from Pennsylvania?

Mr. ERTEL. I am curious about this prosecutor discretion, too, because I don't think it can be hemmed in, as you so indicated, by guidelines.

The only way you can correct that is through the political process when there is a removal of an attorney by the President or somebody else.

I think that's the way it has been done.

And I don't think you can set up those guidelines. I just thought maybe I could put my 2 cents in on that issue.

But I was curious about a couple of things you said.

You have 35 people in the administrative office. And you indicated that you're supervising 3,500 people. When you go back up the line a little bit, you said that the U.S. attorney is the one responsible for administering his particular area.

How can you justify 35 people to support 94 U.S. attorneys who basically are administrators and not trial attorney in many of your jurisdictions?

Mr. GRAY. Well, Congressman Ertel, I frankly believe that we are a bit understaffed in that function and try to keep it that way. We have vacancies in our office that have not been filled since I came on duty. Let me list, for example, some of the things that we have to handle: We handle all travel requests on behalf of all employees of the U.S. attorneys' offices. We handle all equipment requests on behalf of these employees. We handle all allocation and development of space needs within the Federal buildings out there.

We prepare a budget. These employees are not all administrative. We include in there, the people who run and teach at—at least, in some instances teach at—the Advocacy Institute. We have a very small contingent of field officers that we dispatch to offices that need either assistance or need some special supervision.

And I might say that, when we have a lawyer who is not being used to inspect or assist an office, we dispatch them to a district to help out in the trial of cases. At present we have one of our attorneys in the District of South Dakota assisting there where there is a shortage of lawyers.

Next week, one of our attorneys is going to argue before the Court of Appeals for the Seventh Circuit because a U.S. attorney who handled the case had a heart attack and is unable to go. So we have backup resources other than just administrative functions.

Mr. ERTEL. I listened to your statement, travel vouchers; all those things can be handled in the district.

Mr. GRAY. If we were to delegate to all of the attorneys total authority over traveling, it would have a significant budget impact.

Mr. ERTEL. What you are telling me is that U.S. attorneys would approve unjustified travel and they should be disciplined within their role. But why should we pay somebody to keep track of the U.S. attorneys who we are appointing to keep track of their office? I don't understand that function.

Mr. GRAY. I think it's worth the salary of a grade 7 employee to supervise and audit the travel activities of the U.S. attorneys and I think we disagree on that point.

Mr. ERTEL. One other question that Congressman Drinan asked: Who initiates prosecutions within the judicial districts or the U.S. attorneys' districts? Isn't the investigation normally done by your FBI and your investigating agencies, then presented to the U.S. attorney, rather than the attorney telling them areas he wants to investigate?

Mr. GRAY. If by "usually," you mean in the greatest number of cases, I think the answer to that is yes. But cases are originated in at least three ways: A routine investigation by an investigative agency, maybe the FBI or a customs agency—that is one way that they are initiated. Another way they are initiated is by an arrest, either by Federal or State law officers. And a third way they are initiated is by investigation which may originate in the U.S. attorney's office, or it may originate from a complaint that a citizen sends in.

It may initiate as a result of an alert from an interested party that hears an area of concern that ought to be looked into. So they are initiated in all three ways.

I think, in the greatest number of cases, you are correct that the agency brings them in.

Mr. ERTEL. But even if a citizen initiates a request, he normally turns it over to the FBI for an investigation with a routine report back, does he not, unless there is an allegation where he can show some factual basis for that?

Mr. GRAY. Sometimes you don't know until you start investigating what agency has jurisdiction over it. It is the practice of most U.S. attorneys to get an investigative agency involved as soon as they can and as soon as the direction of the investigation is clear.

Mr. ERTEL. Does the office have any staff of its own?

Mr. GRAY. There are a few employees who do some investigative work of an initial nature before it is referred to an investigative agency.

Mr. ERTEL. All investigations are turned over to an investigative agency, as a practical matter?

Mr. GRAY. With the exception of those conducted in the grand jury, that's correct.

Mr. ERTEL. Just another comment on Congressman Drinan's question: Maybe not all other jurisdictions had as many problems as Maryland.

Mr. KASTENMEIER. Any other questions?

Mr. DANIELSON. I have another question.

Mr. KASTENMEIER. The gentleman from California.

Mr. DANIELSON. Thank you, Mr. Chairman.

I was a little bit concerned about Mr. Drinan's question because I didn't fully understand it.

You were referring to decisions as to whether to prosecute, and he said, "No." Apparently you were concerned about decisions as to whether to investigate an offense against our laws.

I think Mr. Ertel brought it out quite well. The vast majority of cases, they investigate whether or not to investigate, and that's a decision made before it reaches the U.S. attorney. I believe that to be a fact.

Do you have much of a quarrel with that opinion?

Mr. GRAY. I think it varies a little bit from agency to agency. The FBI used to take the position that any allegation is presented to the U.S. attorney's office for opinion. If they had a theft from a truck and they had no subject and there was a value of $300, they would still present it for a declination. And in many instances, the investigation is nothing other than a report from a victim company that they lost the article.

Mr. DANIELSON. I see. Well, but your decision on whether or not to prosecute, in my opinion, is quite a different thing from a decision on whether or not to investigate. In the investigation, you are trying to marshal the facts, if you can, which would constitute proof of a crime.

Once you have those facts then you go into it, to a different question of whether or not these facts justify prosecution.

Is that not a fact?

Mr. GRAY. That's correct.

Mr. DANIELSON. I would agree with what was implicit in your answer, that I don't—I don't believe that a decision on whether or not to prosecute should be public property. Every time a person is indicted or has criminal charges placed against them, a formal charge, it's a tremendous blow to that person's life, and he may turn out to be perfectly innocent in the long run.

So I would think that the discretion—you told me that the U.S. attorney still has this discretion, to decide whether or not to prosecute, and another 15 in which you reserve that decision back here. But keeping a leash on him so you can overrule, I would think that you are performing a very useful social function in preventing people who could not be convicted, or should not be convicted, from facing a formal criminal charge.

And I think if you carry it one step beyond that, and disclose to the public the fact that citizen A has been accused of some horrendous

deed, but you found that there was not sufficient evidence, so you are therefore not going to formally charge him with said horrendous deed, I think that's a very useful social function, because the very fact that somebody has formally alleged that someone else committed this serious crime is enough to have an adverse impact on his life, his property, and his job and everything else. So I would rather you keep it confidential when you prosecute or when you do not.

Mr. GRAY. I appreciate your articulate statement of what I meant. Thank you.

Mr. ERTEL. Mr. Chairman, I have one more question.

Can you tell me the range of salaries both for assistants, where they come into the system, what the initial salary level is, and also for the U.S. attorneys and what their range of salaries are?

Mr. GRAY. I can. But we are presently working on it, on the U.S. attorneys' salaries. Some of them are affected by the executive pay proposal which is still pending before theCongress. The U.S. attorneys' salaries presently range from approximately $34,300 in the case of Guam to $39,600 because of the present ceiling.

Assistant U.S. attorneys' salaries range from an entry level of $14,000 to approximately $38–$49,000. They are generally kept at least $1,000 lower than the salary of a U.S. attorney.

I neglected to mention one thing: We have four attorneys whose salaries are fixed by Congress and not by the Attorney General, and in metropolitan areas, they are at executive level 4 which, at present, is $39,900 and is proposed to go to $50,000 under the Executive Pay Act.

Mr. ERTEL. Thank you.

Mr. KASTENMEIER. Mr. Gray, I want to thank you on behalf of the committee for your appearance this morning. I am sure the committee has learned a great deal and we may have occasion to get in touch with you again. Thank you very much.

Mr. GRAY. Thank you.

[The U.S. Attorney's Statistical Report submitted by Mr. Gray follows:]

United States Department of Justice

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

EXECUTIVE OFFICE FOR
UNITED STATES ATTORNEYS

March 11, 1977

Honorable Robert W. Kastenmeier
Chairman, Subcommittee on Courts, Civil
Liberties, and the Administration of Justice
House Judiciary Committee
U.S. Congress
Washington, D.C. 20515

Dear Chairman Kastenmeier:

The enclosed copies of the U.S. Attorneys' Statistical Report for Fiscal Year 1976 are forwarded to you and the members of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, House Judiciary Committee, pursuant to your request during my February 16, 1977, appearance before the Subcommittee.

Thank you again for the opportunity to speak in behalf of the United States Attorneys before your subcommittee.

Sincerely,

William B. Gray
Director

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS' OFFICES

FISCAL YEAR 1976

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UNITED STATES ATTORNEYS' STATISTICAL REPORT

FISCAL YEAR 1976

Prepared in the Legal Information Systems Service

of the Office of Management and Finance

Report 1-21

WORK HANDLED BY UNITED STATES ATTORNEY'S OFFICES
DURING FISCAL YEAR 1976

CRIMINAL CASES

FILED - Criminal filings amounting to 44,172 showed a decrease of 2,779 or 5.92 percent from the number filed in the previous fiscal year. 82.53 percent of the total was in 18 offenses having 800 or more cases. The greatest volume of filings were in Controlled Substances (7,450), Postal Crimes (3,379), Weapons Control (3,012), Bank Robbery (2,630), Frauds vs/ Government (2,604), Immigration (1,765), Stolen Property (1,758), and National Motor Vehicle Act (1,602). Increases took place in 32 districts ranging from 2 in Wisconsin Western to 704 in Georgia Southern. Decreases took place in 59 districts ranging from 1 in Guam to 948 in California Southern.

TERMINATED - Cases terminated decreased 799 or 1.72 percent less than the previous year's total. Of the total or 45,668 closed, 27,210 involving 34,070 defendants were pleas of guilty, 4,198 (involving 5,918 defendants) were found guilty after trial and 1,139 (involving 1,954 defendants) were found not guilty (including 12 not guilty verdicts by reason of insanity).

PENDING - With 26,354 cases, the pending caseload showed a decrease of 5.37 percent less than 27,850* cases pending at the close of fiscal year 1975. Of the pending cases, 10,650 cases were awaiting arraignment in court or trial, while 1,838 were awaiting sentence. 7,635 are fugitives and 341 in other status beyond the control of the United States Attorneys.

GRAND JURY PROCEEDINGS

Grand Jury proceedings, comprised of 23,612 indictments and 123 No True Bills, amounted to 23,735, a decrease of 12.81 percent less than the previous fiscal year.

CRIMINAL COMPLAINTS

RECEIVED - Complaints received decreased to 171,518, this is 1.52 percent less than the 174,173 received in fiscal year 1975. California Southern with 23,881 had the most complaints and California Central with 7,298 and Texas Northern with 4,560 were the next highest. 79,766 of the complaints were in eleven offenses as shown below:

*Adjusted from 27,898 to reflect corrections reported by United States Attorneys.

COMPLAINTS RECEIVED

Fiscal Year 1975
Compared with
Fiscal Year 1976

Offenses	No. of Complaints FY 1975	FY 1976		Change No.	%
Controlled Substances	11,713	10,755	Down	958	8.18
Counterfeiting and Forgery	10,303	9,286	Down	1,017	9.87
Embezzlement	6,184	6,497	Up	313	5.06
Frauds vs. Government	9,398	9,186	Down	212	2.26
Escape	7,004	5,899	Down	1,105	15.78
Immigration	4,358	4,714	Up	356	8.17
Income Tax	1,570	1,841	Up	271	17.26
National Motor Vehicles Theft Act	12,746	11,423	Down	1,323	10.38
National Stolen Property	10,028	9,550	Down	478	4.77
Postal Laws	6,706	6,577	Down	129	1.92
Weapons Control	4,168	4,038	Down	130	3.12
Subtotals	84,178	79,766	Down	4,412	5.24
All Other	89,995	91,752	Up	1,757	1.95
Total	174,173	171,518	Down	2,655	1.52

PENDING - Criminal Complaints pending as of June 30, 1976 rose to 32,456 an increase of 843 or 2.67 percent more than the 31,613 pending as of June 30, 1975.

CLOSED - 126,780 Complaints were closed during 1976 without reaching court dockets. Of this number 107,823 or 85.05 percent of the total were closed by declination of prosecution.

CIVIL CASES

FILED - Civil Cases filed amounted to 49,472 an increase of 8,131 or 19.67 percent more than the previous year's total. 75 districts had increases and 19 districts showed decreases from the previous year. 22,471 or 45.42 percent of the total was in seventeen districts having filings ranging from 1,003 to 1,971, Tax Lien cases with 6,663, Tort cases with 3,517 and General Claims cases with 3,046 had 14.98, 7.91 and 6.85 percent respectively of the cases filed.

TERMINATED - With 60 districts showing increases and 33 districts with decreases, civil cases terminated increased to 36,663. This total is over fiscal year 1975 total by 3,590 or 10.85 percent.

6,432 of these cases were suits in which the Government as defendant was sued for $422,648,742. 613 of them involving $70,693,732 were closed by compromise amounting to $5,125,989 and 1,083 involving $68,924,876 resulting in judgments against the Government amounting to $4,424,240. The remaining 4,736 cases involving $283,030,134 were won by the Government, thus bringing the savings to $407,160,117 an increase of $50,873,302 or 14.28 percent from the $356,286,815 saved in Fiscal Year 1975.

PENDING - Civil cases pending as of the close of the fiscal year increased by 12,809 or 29.17 percent to 56,712. 28,218 or 49.76 percent of the caseload was in seventeen districts with caseloads ranging from 1,007 in Michigan Eastern to 3,160 in New York Eastern. Tax Lien cases with 8,777 increased to 15.48 percent of the total as compared to 7,437 or 16.87 percent of the total pending as of June 30, 1975. Land cases with 2,180 or 3.84 percent increased from 2,026 or 4.60 percent of the total.

CIVIL MATTERS

RECEIVED - Civil Matters received amounted to 55,819 an increase of 10,551 or 23.30 percent more than the 45,268 in Fiscal Year 1975. Tax Lien matters with 6,684 and Tort

matters with 3,708 comprised 11.97 percent and 6.64 percent respectively of the total. Delegated General Claims matters amounted to 4,402 or 7.89 percent of the total. 26,443 or 47.37 percent of the total was in eighteen districts having totals ranging from 1,000 in Texas Southern to 2,617 in Kentucky Eastern.

TERMINATED - Civil matters terminated without reaching court dockets amounted to 4,700 a decrease of 544 or 10.37 percent less than the fiscal year 1975 total of 5,244.

PENDING - 11,278 civil matters were pending as of June 30, 1976 as compared to 9,525 as of June 30, 1975. This is an increase of 1,753 or 18.40 percent.

MAN-HOURS

A total of 551,418 man-hours were spent in court during Fiscal Year 1976. This is an increase of 14,925 or 2.78 percent over Fiscal Year 1975. Following is a breakdown of those hours.

	No. of Hours	% Total
District Court	263,387	47.77
Grand Jury	55,533	10.07
Appellate Court	8,798	1.60

	No. of Hours	% Total
Pretrial Hearings	126,949	23.02
State Court	37,926	6.88
Bankruptcy Court	3,722	.67
Magistrate's Proceedings	45,251	8.21
Special Hearing Exam. Etc.	9,852	1.78
TOTAL	551,418	100.00

Based on an average employment of 1,343 each Assistant United States Attorney averaged 34.22 hours per month in courtroom work during the fiscal year. This compares with an averaged 30.66 hours per month in Fiscal Year 1975.

COLLECTIONS

Collections for Fiscal Year 1976 amounted to $178,119,101, a decrease of $20,061,067 or 10.12 percent less than the $198,180,168 collected in Fiscal Year 1975.

PERSONNEL

During the year United States Attorneys' employment averaged 3,160 employees and 3,190 were on the rolls as of June 30, 1976. Cases handled per Assistant United States Attorney increased from 103.9 in Fiscal Year 1975 to 123.1 in the current year while cases terminated increased from 54.5 to 61.3.

II

INDEX TO CHARTS

Chart Number

Chart 1 | Cases Pending in United States Attorneys' Offices

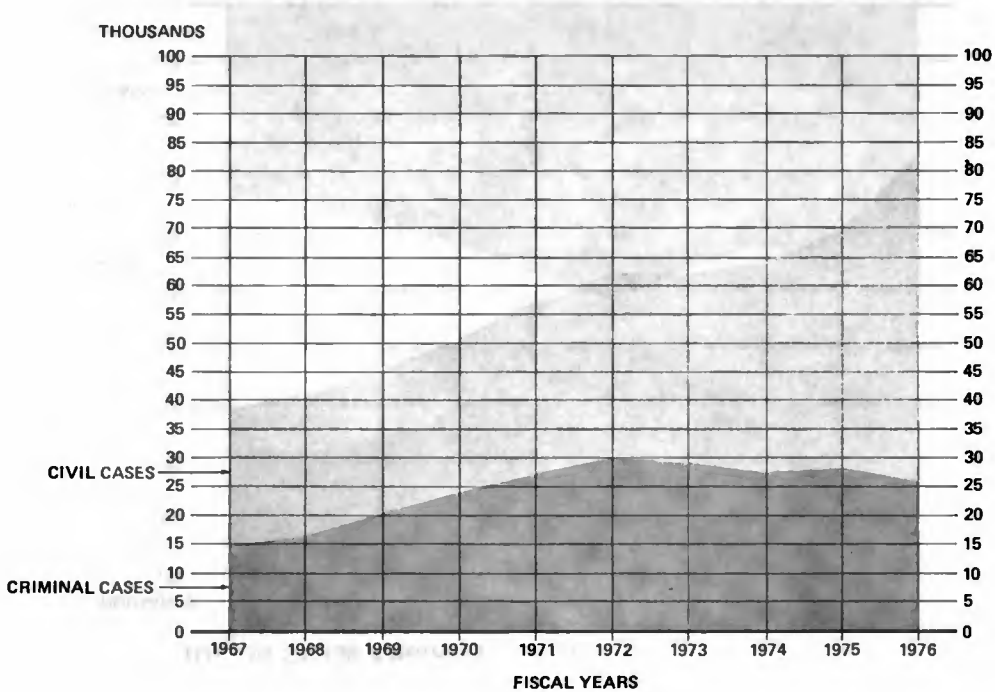


Chart 2 | Criminal and Civil Cases Filed in United States Attorneys' Offices

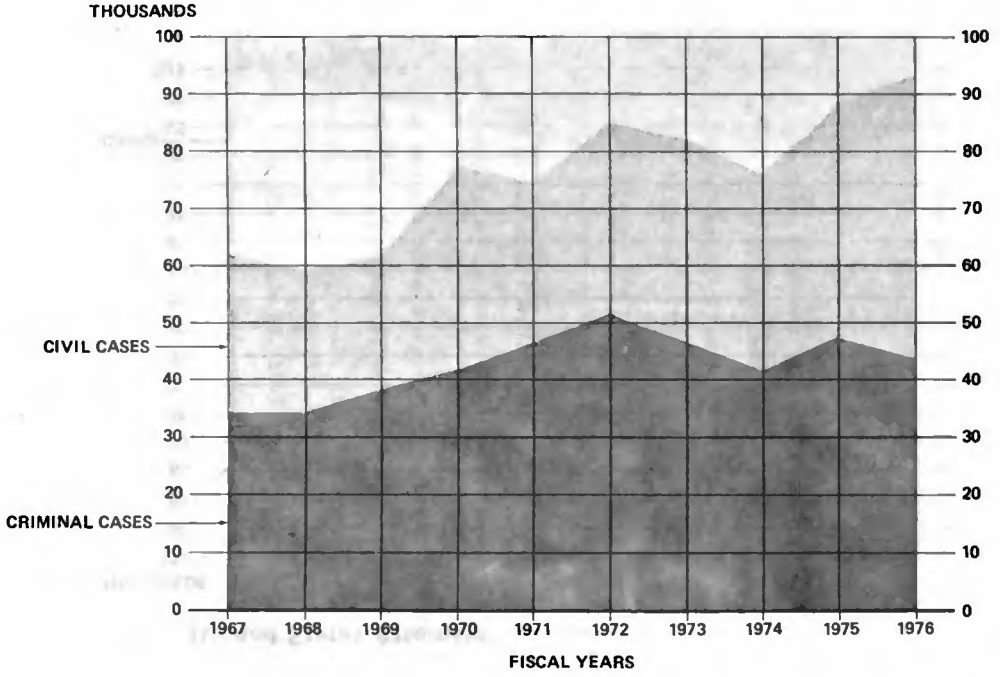


Chart 3 Criminal and Civil Cases Terminated in United States Attorney's' Offices

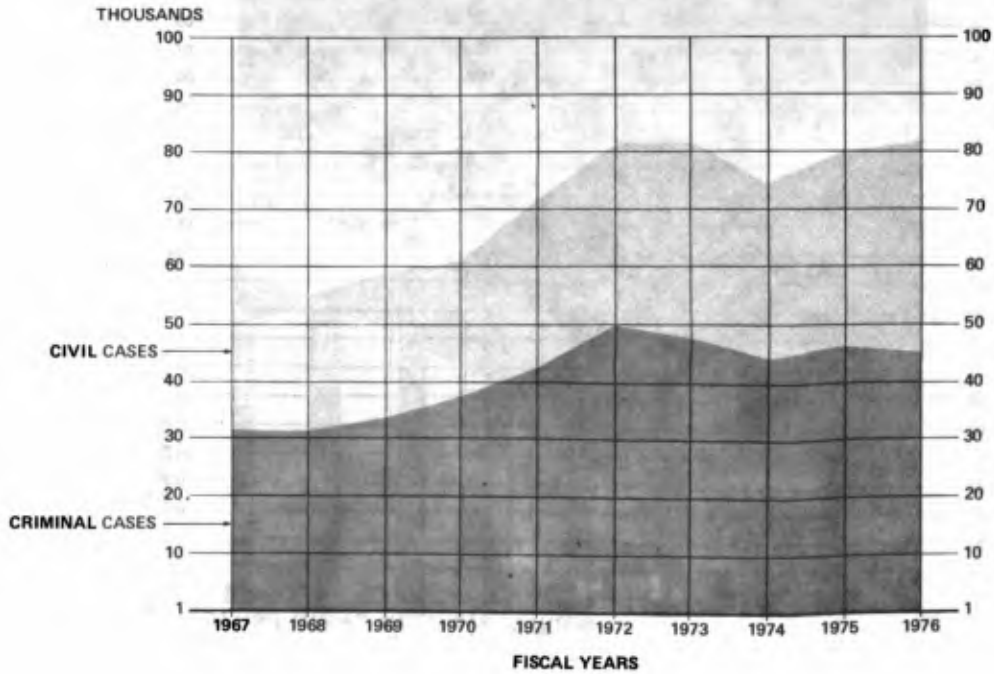


Chart 4 Criminal and Civil Matters Received in United States Attorneys' Offices

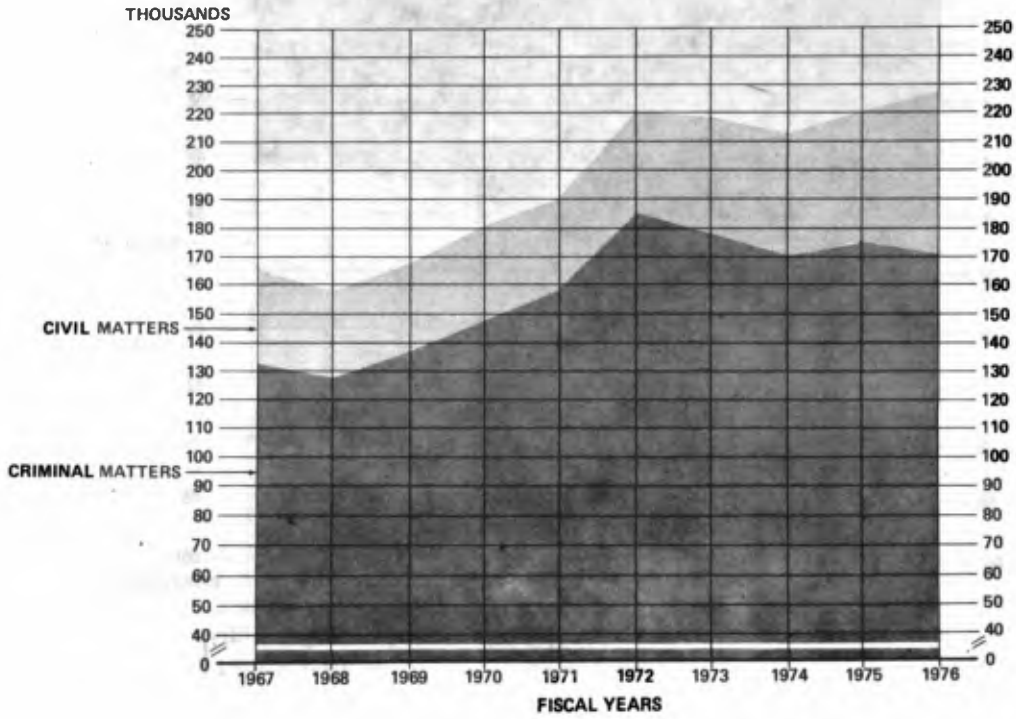


Chart 5 | Trials in Criminal and Civil Cases in United States Attorneys' Offices

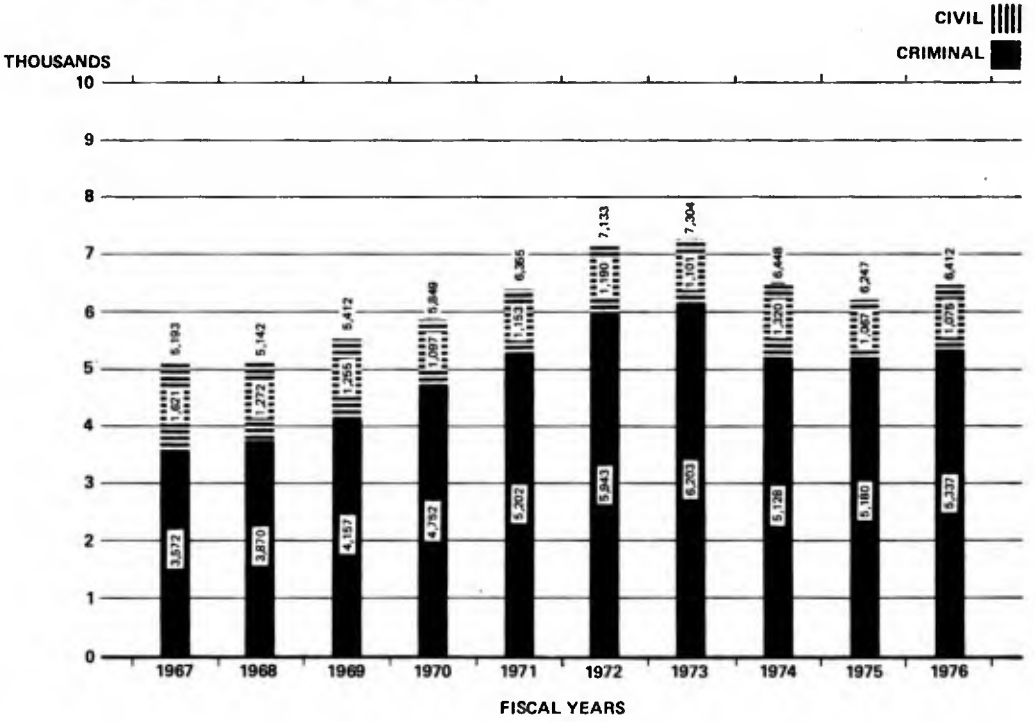


Chart 6 Criminal Cases Pending by Offense in United States Attorneys' Offices

As of: June 30, 1976
Total 26,354 Cases

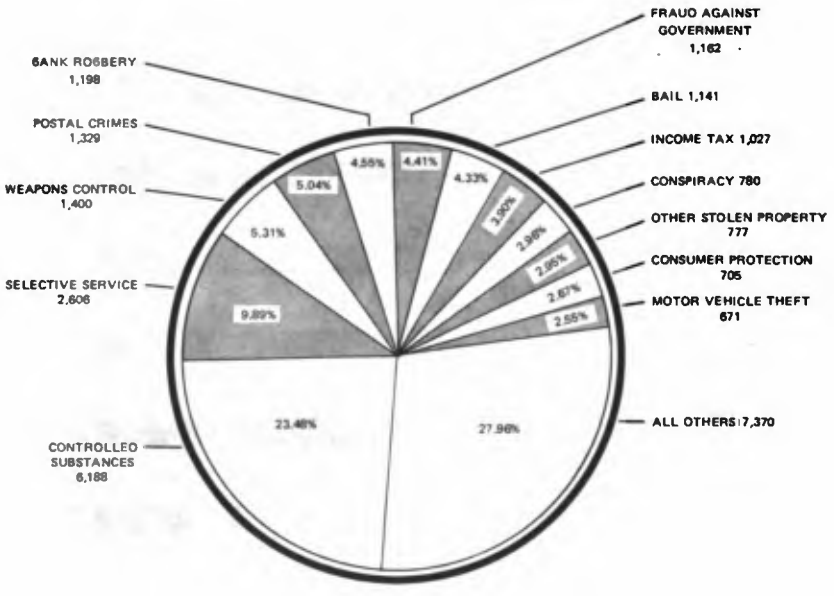


Chart 7 | **Criminal Cases Pending in United States Attorneys' Offices**

As of: June 30, 1976
Total 26,354

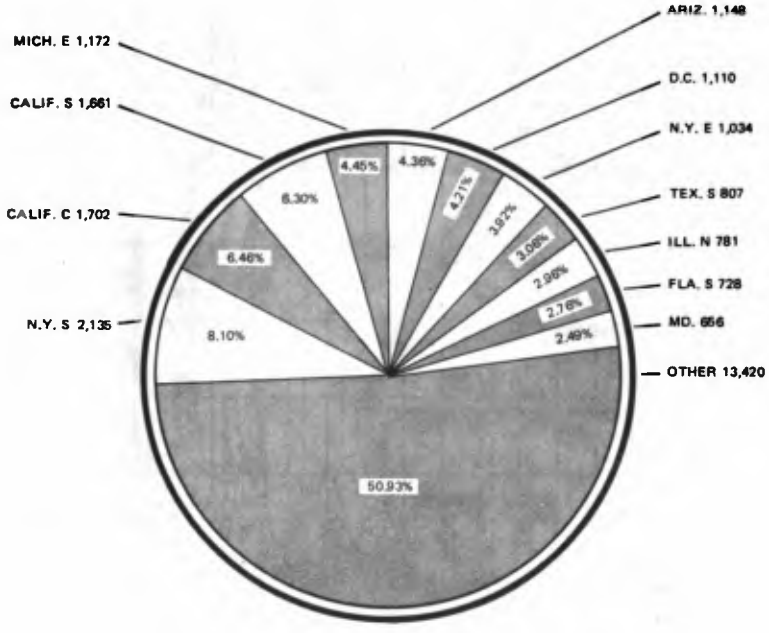


Chart 8 | Criminal Cases Filed in United States Attorneys' Offices

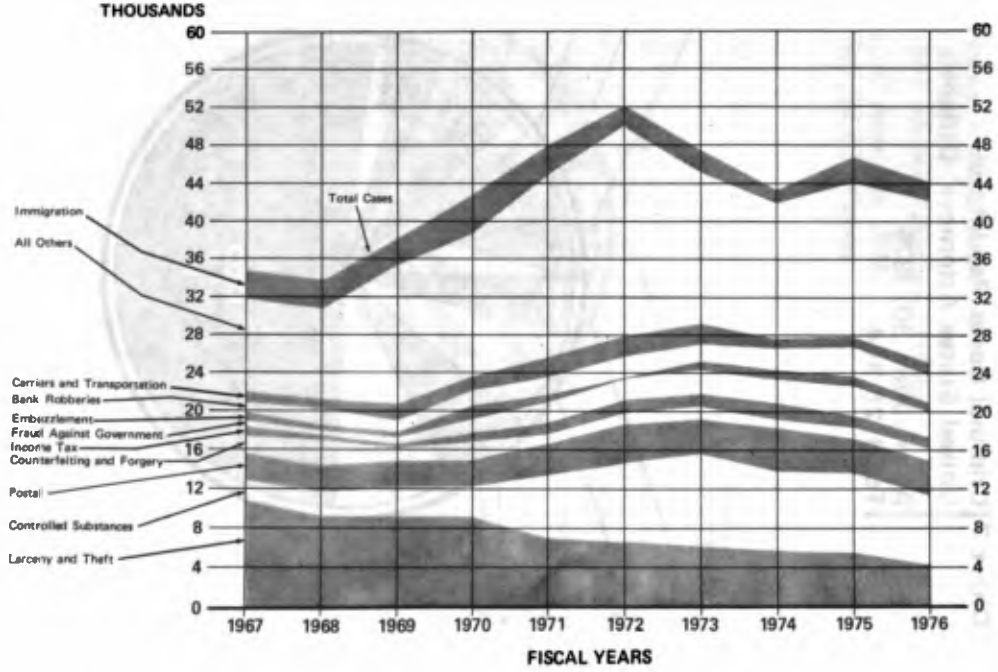


Chart 9 Proceedings Before Grand Jury in United States Attorneys' Offices

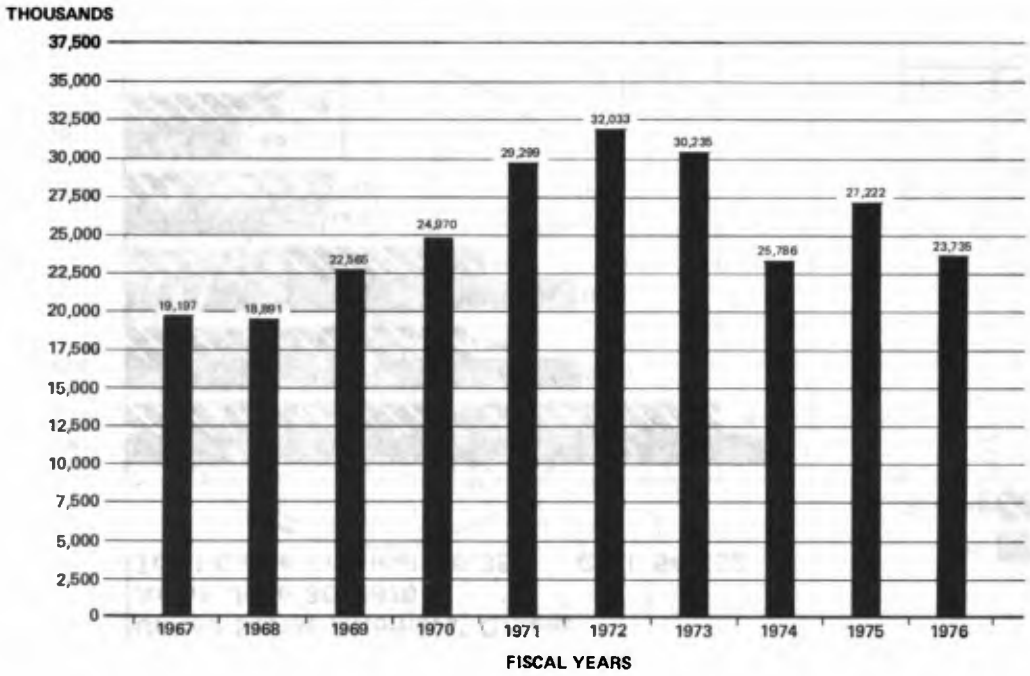


Chart 10 | **Age of Criminal and Civil Cases Pending in United States Attorneys' Offices As of: June 30, 1976 Total Cases Criminal 26,354 Civil 54,532**

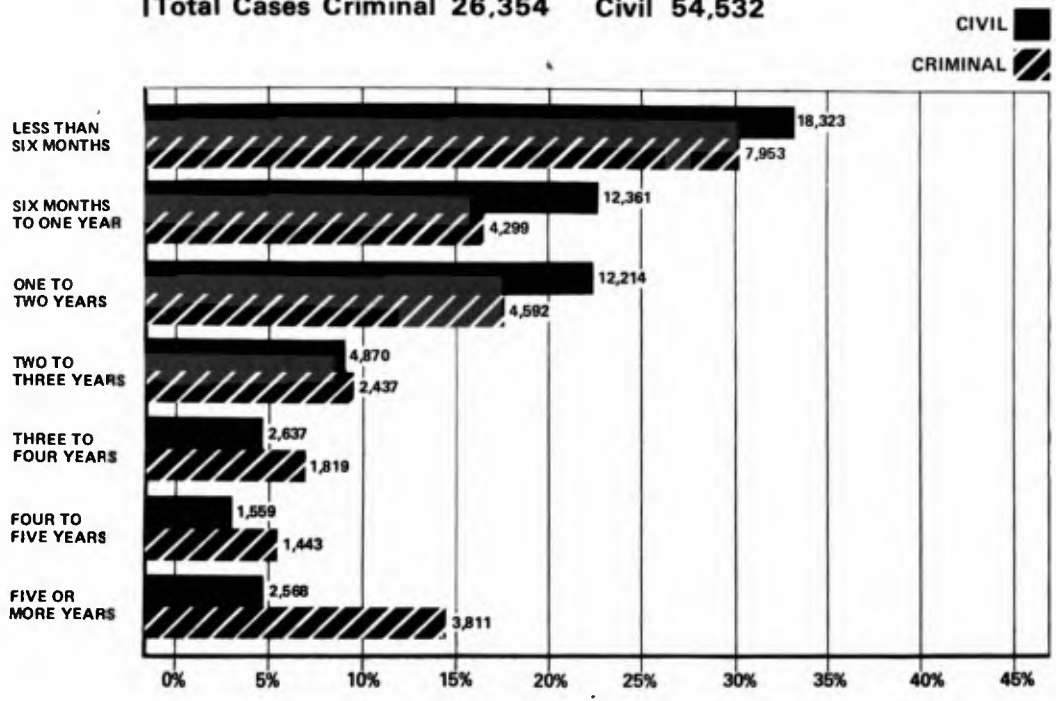


Chart 11 | **Civil Cases Pending in United States Attorneys' Offices**
As of: June 30, 1976
Total 56,712 Cases

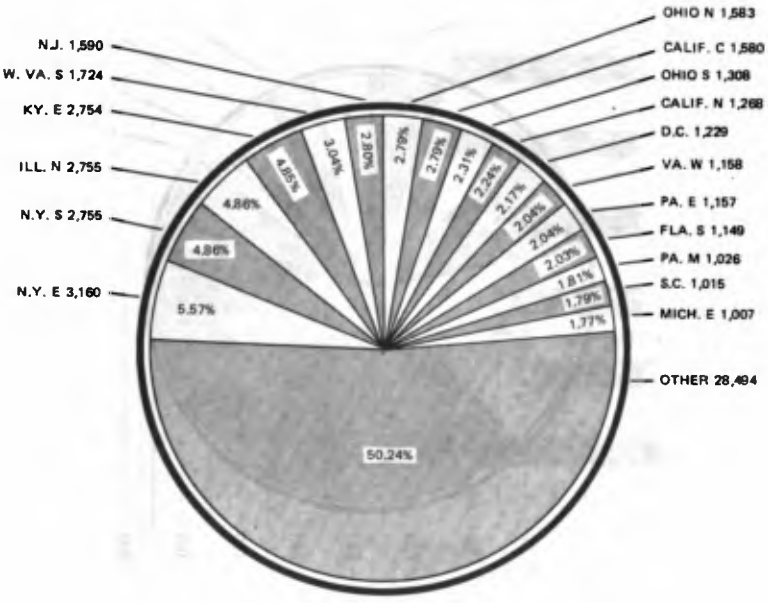


Chart 12 | **Civil Cases Pending by Cause of Action in United States Attorneys' Offices**

As of: June 30, 1976
Total 56,712 Cases

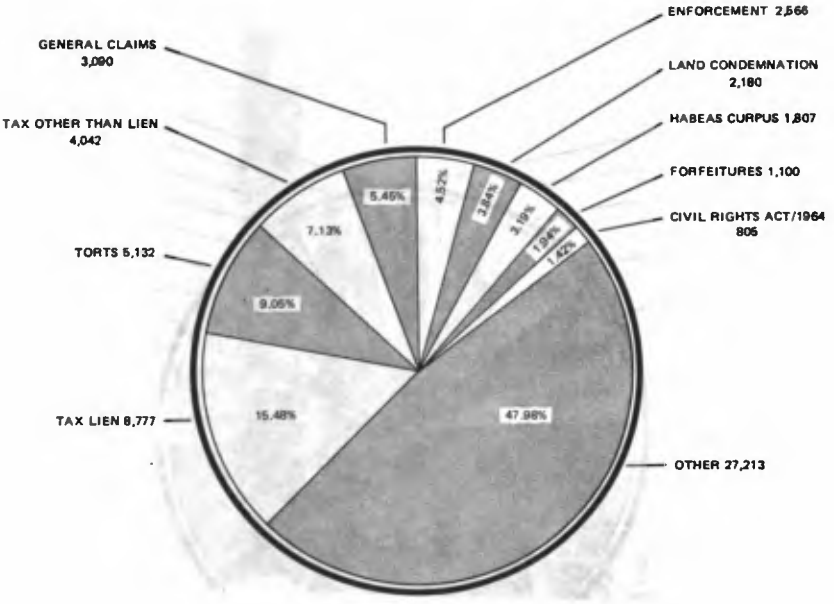


Chart 13 | Collections in United States Attorneys' Offices

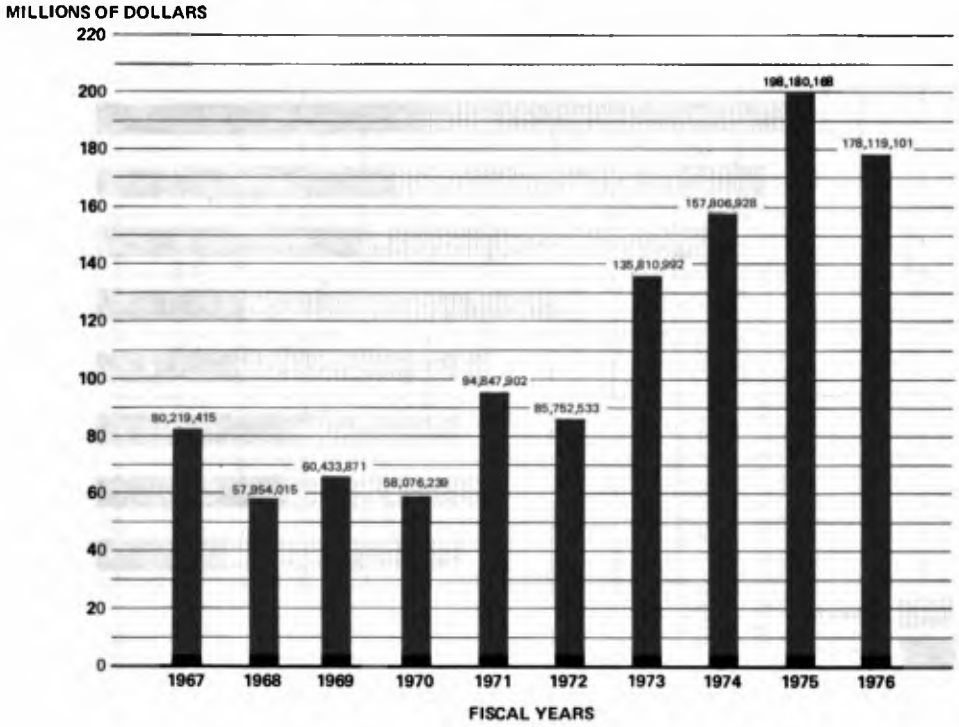
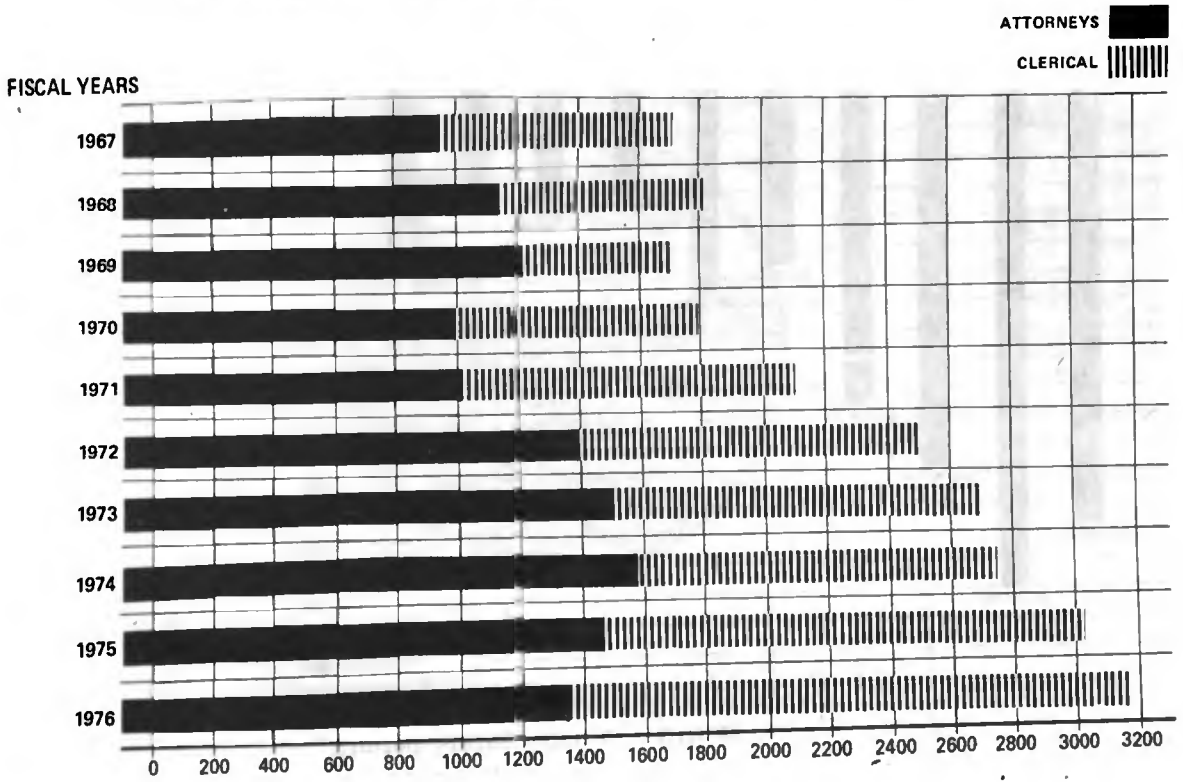


Chart 14 | Average Number of Personnel in United States Attorneys' Offices



III

INDEX TO TABLES

Table Number

TABLE 1

CRIMINAL AND CIVIL CASES HANDLED BY U.S. ATTORNEYS IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS
DISCAL YEAR ENDED JUNE 30, 1979

JUDICIAL DISTRICT	CRIMINAL CASES IN U.S. DISTRICT AND APPELLATE COURTS				CRIMINAL DEFENDANTS IN U.S. DISTRICT AND APPELLATE COURTS				CIVIL CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS			
	PEND 07/01/75 1/	FILED 2/	TERM 7/06/30/76	PEND 06/30/76	PEND 07/01/75 1/	FILED 2/	TERM 3/	PEND 06/30/76	PEND 07/01/75 1/	FILED	TERM	PEND 06/30/76
ALABAMA N	172	922	919	180	295	845	877	251	485	992	528	539
ALABAMA M	49	235	247	53	53	546	561	58	75	123	132	66
ALABAMA S	62	181	180	95	89	275	281	65	85	85	75	73
ALASKA	157	140	161	138	209	156	183	182	215	149	155	206
ARIZONA	1,156	1,455	1,441	1,148	1,415	2,209	2,166	3,472	578	715	997	629
ARKANSAS E	159	298	355	101	193	547	624	119	241	559	232	568
ARKANSAS W	53	89	94	28	56	180	183	35	217	463	400	279
CALIF N	986	750	848	576	949	945	1,035	859	1,017	720	469	1,268
CALIF C	1,829	2,191	2,518	1,702	2,247	2,872	5,004	2,115	1,527	1,562	1,509	1,330
CALIF E	661	1,097	1,196	594	570	1,276	1,590	467	644	489	502	751
CALIF S	1,656	1,810	2,005	1,461	2,558	2,656	2,774	2,420	297	345	299	541
COLORADO	212	598	596	186	234	428	458	204	445	462	339	598
CONNECTICUT	539	574	419	297	515	486	568	431	431	419	450	420
DELAWARE	69	166	168	67	85	222	229	78	142	176	138	180
DIST OF COLUMBIA	1,133	5,753	1,774	1,110	1,259	1,929	1,974	1,187	870	1,215	862	1,229
FLORIDA N	96	235	230	90	121	539	553	124	151	503	248	306
FLORIDA M	580	904	600	592	901	916	959	858	729	1,023	890	862
FLORIDA S	672	954	898	728	1,012	1,444	1,554	1,102	825	1,111	787	1,149
GEORGIA N	379	598	581	376	499	982	822	559	561	754	519	776
GEORGIA M	88	279	283	79	118	484	488	114	158	550	332	136
GEORGIA S	99	1,286	1,305	30	189	1,419	1,421	184	134	178	118	194
HAWAII	147	142	178	131	219	223	248	191	203	182	98	287
IDAHO	46	121	132	55	85	182	199	99	181	182	127	239
ILLINOIS N	716	735	969	781	954	1,095	984	1,061	1,895	1,777	885	2,755
ILLINOIS E	98	195	183	106	119	252	249	122	459	327	521	465
ILLINOIS S	137	119	151	102	179	155	195	159	202	219	182	359
INDIANA N	385	400	488	295	475	559	651	565	311	279	213	374
INDIANA S	191	242	238	195	247	345	349	245	525	552	565	532
IOWA N	54	101	98	57	99	143	147	95	101	119	109	108
IOWA S	99	163	179	59	74	179	194	59	108	188	157	159
KANSAS	198	483	459	192	213	914	582	245	472	995	946	519
KENTUCKY E	232	345	456	141	569	459	918	190	1,358	1,971	575	2,754
KENTUCKY W	88	418	410	99	137	587	544	180	578	472	174	876
LOUISIANA E	290	701	766	215	530	957	1,017	520	352	579	417	514
LOUISIANA M	67	70	52	85	115	112	86	141	129	144	108	165
LOUISIANA W	108	946	864	182	116	983	918	189	542	504	444	604
MAINE	70	90	104	56	82	305	128	59	97	135	85	149
MARYLAND	607	868	919	959	829	884	869	864	574	619	590	840
MASSACHUSETTS	522	556	616	515	886	778	936	708	767	621	619	929
MICHIGAN E	1,261	1,535	1,922	1,172	1,959	2,111	2,295	1,805	745	905	641	1,007
MICHIGAN W	193	302	298	197	246	391	402	225	287	276	170	582
MINNESOTA	204	517	353	188	247	458	446	259	475	492	410	557
MISSISSIPPI N	57	102	129	30	64	142	169	57	98	153	122	129
MISSISSIPPI S	52	168	197	53	82	231	232	71	259	557	522	274
MISSOURI E	176	497	495	178	195	658	951	202	259	428	349	558
MISSOURI W	541	1,067	1,180	228	419	1,155	1,513	261	761	1,072	1,031	802
MONTANA	84	210	217	77	88	226	250	78	121	354	123	152
NEBRASKA	135	143	160	116	179	199	218	157	200	295	250	245
NEVADA	159	309	292	196	207	465	452	218	127	151	91	187
NEW HAMPSHIRE	44	45	58	31	48	91	66	43	58	111	71	78
NEW JERSEY	712	528	971	569	1,089	707	989	802	1,562	1,283	1,055	1,590
NEW MEXICO	172	318	341	149	214	423	448	189	271	230	160	341
NEW YORK N	167	157	186	138	177	254	182	229	519	420	345	595
NEW YORK E	1,001	1,113	1,030	1,084	1,771	1,730	3,716	1,785	2,615	1,909	1,062	5,190
NEW YORK S	1,936	1,427	1,228	2,155	5,267	2,570	2,179	5,458	2,955	1,223	925	2,755
NEW YORK W	409	256	266	401	599	528	552	557	504	455	594	365
N CAROLINA E	111	288	520	79	149	586	455	180	157	252	159	250
N CAROLINA M	91	570	363	98	106	459	457	105	147	198	132	211
N CAROLINA W	115	282	330	97	152	570	431	91	323	150	129	151
NORTH DAKOTA	40	102	105	37	44	158	143	39	57	124	104	75
OHIO N	928	801	827	902	985	958	956	883	1,306	1,407	1,138	1,583
OHIO S	134	429	421	159	175	557	555	157	1,000	1,531	1,225	1,308
OKLAHOMA N	97	195	163	97	92	227	219	105	229	307	196	559
OKLAHOMA E	15	75	70	20	50	93	302	21	150	199	171	128
OKLAHOMA W	96	509	506	98	124	564	552	136	539	557	536	547
OREGON	189	284	265	187	237	365	356	246	402	461	557	309
PENNSYLVANIA E	505	862	869	499	764	1,254	1,238	780	875	1,079	797	1,157
PENNSYLVANIA M	107	230	220	117	125	278	295	139	753	1,085	730	1,029
PENNSYLVANIA W	308	425	472	291	475	619	735	559	418	644	546	518
PUERTO RICO	268	258	317	201	329	365	426	293	790	425	564	651
RHODE ISLAND	69	115	114	68	82	159	157	81	142	109	65	185
S CAROLINA	279	488	519	248	397	691	792	526	920	1,270	1,181	1,015
S DAKOTA	214	352	396	196	279	478	532	225	139	135	84	190
TENNESSEE E	62	203	218	47	72	277	298	51	283	585	319	398
TENNESSEE M	122	345	385	82	191	469	475	155	284	246	248	282
TENNESSEE W	179	217	225	171	317	550	528	539	122	183	151	154
TEXAS N	284	757	751	272	555	896	916	535	578	711	604	685
TEXAS E	68	177	186	39	92	205	220	47	253	277	192	568
TEXAS S	750	1,429	1,372	807	1,070	1,997	2,043	1,024	755	951	582	802
TEXAS W	521	851	940	592	996	1,195	1,517	562	389	515	421	483
UTAH	83	193	184	92	114	246	242	120	197	295	195	269
VERMONT	102	91	93	100	126	142	155	113	144	140	155	117
VIRGINIA E	569	1,152	1,209	552	485	1,560	1,486	377	465	796	590	957
VIRGINIA W	20	252	256	18	20	271	275	16	530	1,104	526	1,158
WASHINGTON E	115	158	177	99	127	173	196	104	210	201	208	203
WASHINGTON W	308	537	545	300	595	715	679	597	575	717	645	645
WEST VIRGINIA N	25	77	80	29	58	92	102	28	146	198	105	257
WEST VIRGINIA S	159	239	267	131	199	284	536	147	852	1,225	353	1,724
WISCONSIN E	160	199	195	334	228	256	277	107	428	475	384	619
WISCONSIN W	71	105	114	60	80	115	128	95	302	467	247	522
WYOMING	26	107	111	22	39	153	157	24	72	92	89	75
CANAL ZONE	12	359	366	05	14	591	402	05	15	05	12	04
GUAM	11	29	30	10	19	46	50	15	25	35	28	32
VIRGIN ISLANDS	134	491	418	177	130	568	510	308	98	50	49	79
TOTALS	27,850	44,172	45,968	29,536	50,355	58,794	68,942	39,205	45,905	49,472	36,995	56,712

1/ 07/31/75 PENDING FIGURES ADJUSTED TO REFLECT CORRECTIONS REPORTED BY UNITED STATES ATTORNEYS OFFICES
2/ INCLUDES 1234 CASES OR 1833 DEFENDANTS INITIATED BY TRANSFER UNDER RULE 20
3/ INCLUDES 1658 CASES OR 2832 DEFENDANTS TERMINATED BY TRANSFER UNDER RULE 20
AND 2363 CASES OR 4588 DEFENDANTS DISMISSED BECAUSE OF SUPERSEDING INDICTMENT OR INFORMATION

TABLE D
DISPOSITION OF CRIMINAL CASES AND DEFENDANTS IN UNITED STATES DISTRICT COURTS
FISCAL YEAR ENDED JUNE 30, 1976

JUDICIAL DISTRICT	CRIMINAL CASES TOTAL TERM.	GUILTY	NOT GUILTY 1/	DISMISSED 2/	HUNG	OTHER 3/	DEFENDANTS IN CRIMINAL CASES TOTAL TERM.	GUILTY	NOT GUILTY 1/	DISMISSED 2/	HUNG	OTHER 3/
ALABAMA N	819	693	4	49	39	34	877	698	8	77	54	84
ALABAMA M	247	182	7	34	7	17	343	264	10	70	9	22
ALABAMA S	168	141	4	13	8	13	281	218	8	38	9	14
ALASKA	101	112	1	34	14	8	183	123	2	41	13	4
ARIZONA	1,441	928	36	322	43	112	2,164	1,271	52	449	30	126
ARKANSAS E	353	256	10	37	22	22	426	286	28	46	25	23
ARKANSAS W	84	63	10	11	5	3	103	72	10	12	4	5
CALIF N	868	574	21	186	24	33	1,035	672	28	275	27	33
CALIF C	2,318	1,343	31	517	112	95	3,004	1,877	34	819	142	112
CALIF E	1,196	909	10	210	33	24	1,398	998	25	288	31	36
CALIF S	2,885	1,229	30	530	47	199	2,774	1,624	34	833	61	280
COLORADO	384	246	10	75	22	41	458	275	18	103	22	40
CONNECTICUT	416	261	8	109	21	21	548	361	16	149	25	29
DELAWARE	168	101	1	61	2	3	229	120	7	102	2	5
DIST OF COLUMBIA	1,724	961	27	34	15	687	1,974	784	34	159	13	984
FLORIDA N	234	147	13	42	25	17	333	178	18	97	31	19
FLORIDA M	600	424	6	88	44	38	959	641	16	178	33	89
FLORIDA S	888	648	27	89	56	34	1,334	832	28	173	78	189
GEORGIA N	541	384	18	89	43	47	822	520	78	181	84	62
GEORGIA M	283	230	6	24	6	17	408	325	10	58	7	28
GEORGIA S	1,503	1,123	74	79	15	12	1,621	1,190	78	124	16	13
HAWAII	178	114	4	44	10	6	284	188	5	80	10	4
IDAHO	132	99	1	19	8	4	199	138	1	43	15	4
ILLINOIS N	848	660	18	110	12	48	984	706	40	192	15	71
ILLINOIS E	191	128	13	16	7	21	249	173	21	25	7	23
ILLINOIS S	191	134	3	13	7	23	193	132	4	28	0	27
INDIANA N	488	377	18	90	11	30	851	618	17	151	16	97
INDIANA S	248	181	8	55	14	2	549	387	10	31	10	2
IOWA N	48	37	7	12	4	23	147	83	8	22	9	26
IOWA S	178	123	3	27	9	17	184	131	8	31	8	13
KANSAS	430	267	7	79	27	49	582	357	10	110	35	68
KENTUCKY E	436	299	17	57	22	36	618	413	78	118	85	66
KENTUCKY W	410	330	9	20	21	30	544	444	14	26	25	43
LOUISIANA E	746	488	24	60	14	38	1,017	703	58	108	18	66
LOUISIANA M	52	41	1	7	1	2	64	54	0	10	1	2
LOUISIANA W	344	788	34	82	17	23	918	734	57	82	15	29
MAINE	104	73	2	22	3	4	128	82	2	33	4	5
MARYLAND	618	445	12	114	13	37	898	684	18	198	14	44
MASSACHUSETTS	838	654	24	95	11	38	934	696	49	185	18	36
MICHIGAN E	1,622	1,123	26	306	48	47	2,283	1,423	48	661	48	83
MICHIGAN W	296	214	5	37	12	10	362	233	8	111	20	11
MINNESOTA	335	255	10	26	13	33	486	330	13	97	14	32
MISSISSIPPI N	124	94	14	8	7	9	189	117	21	11	7	13
MISSISSIPPI S	167	123	1	13	15	11	252	171	1	27	10	13
MISSOURI E	493	366	10	89	16	78	631	378	15	158	22	58
MISSOURI W	1,180	753	54	289	51	33	1,513	828	48	332	39	56
MONTANA	217	186	3	17	4	7	236	156	4	63	5	10
NEBRASKA	168	112	7	19	13	9	218	148	7	48	14	1
NEVADA	297	178	4	47	21	19	432	217	16	184	26	29
NEW HAMPSHIRE	58	41	4	7	2	2	64	47	7	8	2	0
NEW JERSEY	671	477	17	91	11	75	969	673	32	134	10	82
NEW MEXICO	341	203	3	103	13	19	448	263	6	163	14	24
NEW YORK N	186	101	4	37	21	3	182	121	5	23	22	11
NEW YORK E	1,060	795	20	210	9	101	1,378	1,056	34	178	31	121
NEW YORK S	1,278	873	30	254	26	95	2,139	1,230	88	498	34	117
NEW YORK W	266	187	11	45	14	9	332	212	27	68	13	10
N CAROLINA M	320	233	15	37	16	21	435	314	21	57	19	24
N CAROLINA W	343	295	6	89	16	23	437	364	6	45	18	24
N CAROLINA E	330	237	11	37	12	33	431	306	13	62	17	33
NORTH DAKOTA	103	88	4	6	0	5	143	118	4	7	4	6
OHIO N	827	678	8	81	57	34	936	737	14	100	42	39
OHIO S	421	339	4	34	24	19	533	443	12	51	27	20
OKLAHOMA N	181	128	2	18	10	4	216	184	5	13	12	10
OKLAHOMA W	70	45	6	10	3	3	102	61	22	12	4	3
OKLAHOMA E	306	213	10	14	34	30	352	243	14	17	44	34
OREGON	283	157	3	85	18	19	334	187	7	110	24	26
PENNSYLVANIA E	868	647	15	198	12	87	1,228	905	34	188	15	88
PENNSYLVANIA M	220	167	8	21	10	14	265	199	14	26	10	16
PENNSYLVANIA W	677	393	15	38	8	78	745	473	28	116	17	99
PUERTO RICO	417	270	7	126	2	5	428	226	18	178	3	3
RHODE ISLAND	116	81	1	27	10	2	157	107	2	38	11	2
S CAROLINA	519	383	20	86	30	20	762	534	27	141	38	22
S DAKOTA	304	243	14	117	17	7	332	301	20	181	23	7
TENNESSEE E	718	468	17	14	20	19	788	211	24	18	25	23
TENNESSEE M	583	281	14	48	24	24	675	337	21	37	31	51
TENNESSEE W	225	143	6	18	5	43	328	218	13	27	7	65
TEXAS E	731	534	12	112	48	33	816	634	18	175	50	41
TEXAS S	184	138	4	15	5	1	170	170	12	22	6	1
TEXAS S	1,377	931	29	180	25	187	2,067	1,323	36	362	35	291
TEXAS W	880	627	15	240	45	33	1,517	799	27	344	65	84
UTAH	104	110	11	43	15	3	262	134	21	62	20	5
VERMONT	94	73	0	13	3	4	137	100	3	23	3	8
VIRGINIA E	1,709	753	33	299	34	148	1,486	870	63	347	40	166
VIRGINIA W	234	116	3	18	14	3	273	231	3	28	14	3
WASHINGTON E	177	128	1	33	7	8	196	143	1	38	7	7
WASHINGTON W	343	330	17	124	24	30	875	410	24	186	31	90
WEST VIRGINIA N	80	62	1	3	9	3	107	70	1	6	8	6
WEST VIRGINIA S	287	388	6	36	9	28	336	277	13	33	13	88
WISCONSIN E	143	123	3	41	8	28	277	170	8	64	10	25
WISCONSIN W	114	73	4	24	6	5	128	78	5	31	7	6
WYOMING	111	78	0	8	0	19	157	103	3	17	6	24
CANAL ZONE	364	293	10	53	0	6	402	376	10	61	0	7
GUAM	58	13	1	12	1	1	58	24	1	22	2	1
VIRGIN ISLANDS	418	278	26	95	0	19	518	336	35	119	0	28
TOTALS	49,669	31,603	1,138	7,498	1,035	3,504	68,542	39,883	1,936	12,451	2,052	8,887

1/ INCLUDES 12 VERDICTS OF NOT GUILTY BY REASON OF INSANITY INVOLVING 28 DEFENDANTS
2/ INCLUDES APPELLATE DECISIONS, SPECIFICALLY SUSPENDED INDEFINITELY BY COURT
3/ INCLUDES 283 APPELLATE DECISIONS OR 335 DEFENDANTS DISPOSITIONS IN FAVOR OF THE UNITED STATES

TABLE 3
CRIMINAL CASES AND DEFENDANTS IN UNITED STATES DISTRICT COURT BY OFFENSE
FISCAL YEAR 1976

OFFENSE	FILED	TERM. 1/	DEATZ FILED 1/	DEATS TERM. 2/	DISPOSITIONS OF DEFENDANTS IN TERMINATED CASES: GUILTY	NOT GUILTY 3/	DISMISSED 4/	RULE 20	OTHER 5/
ACCESSORY AFTER THE FACT	27	37	61	60	30	2	11	2	1
BIDDS AND ABETTORS	146	180	510	576	222	8	89	5	8
ANIMAL HEALTH									
PROTECTION OF HORSES	1	2	2	2	2	0	0	0	0
QUARANTINE	25	22	60	60	25	6	17	1	0
ANTI-GAMBLING	162	186	868	987	240	30	223	2	109
ANTI-RACKETEERING	220	245	691	732	222	82	132	6	74
ANTI-SLOT LAWS	8	21	8	21	1	1	8	10	1
ANTITRUST	21	29	159	122	95	21	2	0	2
BAIL	142	219	256	223	218	5	142	45	18
BANK ROBBERY	2,807	2,722	2,522	2,575	2,571	44	564	130	438
BANKRUPTCY	28	20	23	17	10	5	6	1	7
BRIBERY	148	126	208	225	162	8	81	8	16
CARRIERS AND TRANSPORTATION									
AIR CARRIER AND AVIATION	2	2	2	2	2	0	0	0	0
MOTOR COMMERCIAL VEHICLES	85	82	62	95	77	1	12	2	0
BRIDGATION AND NAVIGABLE WATERS	2	2	2	2	1	0	2	0	1
RAILROADS AND PIPELINE CARRIERS	16	27	18	30	25	1	1	0	2
SHIPPING (INCL CRIMES ON / OVER THE HIGH SEAS)	1,207	1,220	1,444	1,844	1,240	71	356	90	109
STOWAWAYS ON VESSELS OR AIR	0	0	0	0	0	0	1	1	0
TRANSPORTATION OF SPECIFIC ITEMS									
EXPLOSIVES	22	28	28	28	23	0	1	2	1
POISON GAGE GOODS	1	0	1	0	0	0	0	0	0
WAREHOUSE ACT	2	2	2	2	2	0	0	1	0
CITIZENSHIP AND NATIONALITY	112	112	118	120	82	1	17	2	2
CIVIL RIGHTS	20	52	84	109	62	22	11	0	21
COMMUNICATIONS	68	76	82	102	42	18	32	1	8
CONFLICT OF INTEREST	1	1	1	1	1	0	0	0	0
CONSERVATION AND CONTROL OF AND LANDS E RESOURCES	121	175	253	208	152	11	52	7	10
CONSERVATION OF NATURAL RESOURCES									
BIRDS	1,015	822	1,146	1,050	832	82	87	1	7
ENDANGERED SPECIES	7	8	18	8	8	0	1	1	0
FISHING VIOLATIONS	26	21	98	27	18	7	10	1	1
GAME	8	18	16	28	15	1	7	1	4
POLLUTION	17	57	21	61	22	1	8	5	4
CONSPIRACY	800	840	2,094	2,430	1,287	132	721	75	204
CONSUMER PROTECTION									
AGRICULTURE									
AGRICULTURAL ADJUSTMENT ACT	4	2	2	7	4	0	1	2	0
COMMODITY EXCHANGE ACT	1	5	1	4	2	0	1	0	1
COTTON STATISTICS AND ESTIMATES	1	1	1	1	1	0	0	0	0
FEDERAL INSECTICIDE, ETC. ACT	0	2	0	2	2	0	0	0	0
PACKERS AND STOCKYARDS ACT	4	1	4	1	0	0	0	0	1
TOBACCO INSPECTION ACT AND TOBACCO CONTROL	4	3	5	2	5	0	0	0	0
FEDERAL TRADE COMM. E COMMERCIAL REGULATIONS									
FEDERAL HAZARDOUS LABELING	4	2	8	8	5	0	2	0	0
MISCELLANEOUS FOOD									
ALTERED MILK ACT & MISLABELED DAIRY PRODUCT	0	0	1	1	0	0	1	0	0
MEAT INSPECTION ACT	15	22	18	52	17	1	14	0	0
OTHER PROTECTION									
AUTOMOBILE INFORMATION DISCLOSURE ACT	2	5	3	4	4	0	0	0	0
CONSUMER CREDIT PROTECTION ACT	22	20	34	32	20	0	8	4	2
MAIL AND WIRE FRAUD	452	961	1,202	1,270	511	48	248	42	114
SECURITIES FRAUDS									
SECURITIES EXCHANGE ACT OF 1934	12	12	18	12	8	1	2	0	1
SECURITIES FRAUDS	26	28	61	72	48	1	26	2	4
CONTEMPT	4	2	2	4	1	0	2	0	0
CONTROLLED SUBSTANCES	7,788	7,420	15,018	15,885	7,078	362	5,426	212	1,196
COPYRIGHT	62	66	95	116	78	1	28	11	2
COUNTERFEITING--MISUSE/FORGE STAMPS	1,006	1,102	1,780	1,207	1,003	91	212	72	64
CRIMES AFFECTING THE MAILS	5,787	5,447	2,710	2,872	5,007	48	564	42	78
CRIMES AFFECTING THE MILITARY/PEACETIME DRAFT	18	14	18	14	10	1	1	0	2
CRIMES BY AND AGAINST INDIANS	14	12	18	12	8	0	2	1	0
CUSTOMS									
CUSTOMS LAWS	98	108	162	148	101	4	22	5	6
ELECTIONS AND POLITICAL ACTIVITIES	15	16	21	22	10	2	2	1	0
EMBEZZLEMENT	132	128	160	134	102	8	16	6	1
ESCAPE	228	295	222	299	202	18	125	28	22
ESPIONAGE AND SEDITION	2	1	2	1	1	0	0	0	0
EXTORTION	121	182	136	200	129	13	49	6	18
EXTRADITION	1	4	1	2	0	0	4	1	0

1/ EXCLUDES 1736 CASES OR 1835 DEFENDANTS INITIATED BY TRANSFER UNDER RULE 20
2/ INCLUDES 1659 CASES OF 2032 DEFENDANTS TERMINATED BY TRANSFER UNDER RULE 20
AND 2363 CASES OF 4308 DEFENDANTS DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS
3/ INCLUDES 12 VERDICTS OF NOT GUILTY BY REASON OF INSANITY INVOLVING 22 DEFENDANTS
4/ INCLUDES 333 APPELLATE DEFENDANTS DISMISSED IN FAVOR OF THE U.S.
5/ INCLUDES DEFENDANTS INVOLVED IN APPELLATE DECISIONS AND PROCEEDINGS SUSPENDED INDEFINITELY BY COURT

TABLE D, CONTINUED
CRIMINAL CASES AND DEFENDANTS IN UNITED STATES DISTRICT COURT BY OFFENSE
FISCAL YEAR 1976

OFFENSE	FILED	TERM. 1/	DEPTS FILED 1/	DEPTS TERM. 1/	DISPOSITIONS OF DEFENDANTS IN TERMINATED CASES: NOT GUILTY	GUILTY 1/	DISMISSED 1/	RULE 20	OTHER 2/
FEDERAL CUSTODY	81	84	89	18	96	6	9	3	8
BANKRUPTCY REVIEW PROCEEDINGS	2	2	2	2	1	0	0	0	5
DRUGS, DRUGS, AND COSMETIC ACT	8	8	9	11	9	1	1	0	0
PROBATION ASSISTANCE ACT	0	0	1	0	0	0	0	0	0
SECURITIES EXCHANGE ACT	2	3	2	0	3	2	1	0	0
FOREIGN RELATIONS	1	2	1	2	1	0	0	0	5
FORGERY & RETURN OF OFFICIAL INSIGNIA & DOCUMENTS	27	33	29	33	14	0	4	4	7
FRAUD AGAINST THE GOVERNMENT	2,481	2,794	2,985	2,232	2,311	70	623	134	68
INJURY TO THE INTERCOURSE WITH GOVT. PROPERTY	44	66	48	59	38	3	14	1	1
IMMIGRATION	5,755	1,822	3,934	2,000	5,918	21	315	7	48
IMMIGRATION	81	89	87	15	39	4	21	0	5
INCOME TAX	1,341	1,358	1,487	1,446	1,097	49	282	52	78
INTEGRITY OF NATIONAL PROGRAMS									
BANKHEAD-JONES FARM TENANCY ACT	1	0	1	1	0	0	1	0	0
COMMODITY CREDIT CORPORATION CHARTER ACT	10	10	14	14	7	1	7	0	0
ECONOMIC OPPORTUNITY AGREEMENTS OF 1967	11	10	14	14	9	0	4	0	1
FEDERAL CROP INSURANCE ACT	0	1	0	1	1	0	0	0	0
FOOD STAMP PROGRAM	212	209	272	295	221	5	45	0	2
GARBLING ACT	5	2	6	2	2	0	0	0	0
HOUSING	11	10	14	22	1	2	19	0	0
KICKBACKS PUBLIC WORKS EMPLOYEES	3	1	4	2	1	0	1	0	0
MOTOR VEHICLE EMISSION STANDARDS	2	4	3	5	1	1	1	0	2
SMALL BUSINESS ACT	22	25	24	41	19	5	7	1	1
SOCIAL SECURITY ACT	279	323	344	383	272	3	74	18	70
INTERFERENCE WITH GOVERNMENT OFFICERS	514	548	566	599	209	34	157	9	56
INTER-STATE LAND SALES	1	2	10	8	3	0	3	0	0
JURISDICTIONAL STATUTE	2,468	2,813	2,112	2,645	1,948	120	837	67	71
JUVENILE DELINQUENCY	173	178	201	209	151	1	41	1	5
KIDNAPING	112	122	149	157	85	4	35	7	28
LABOR LAWS	53	45	88	54	38	5	7	0	0
LIQUOR STATUTES									
INDIAN LIQUOR LAWS	1	1	5	5	3	0	0	0	0
INTERNAL REVENUE SERVICE LIQUOR VIOLATIONS	210	260	308	383	300	10	59	3	51
INTERSTATE SHIPMENTS - BILLS OF LADING	0	0	0	1	0	0	1	0	0
MAGISTRATE TRIALS	1	0	1	0	0	0	0	0	0
MISPRISION OF FELONY	59	90	91	66	58	1	2	3	2
MOTOR VEHICLE THEFT	1,449	1,032	1,193	1,981	1,375	52	248	156	110
OBSCENE OR HARASSING TELEPHONE CALLS	1	1	1	1	1	0	0	0	0
OBSCENITY	22	42	52	88	20	5	44	2	11
OBSTRUCTING OF JUSTICE	127	155	165	194	105	18	52	10	11
OCCUPATIONAL TAX ON GAMBLING	32	15	55	18	17	0	1	0	0
OTHER CRIMES OF VIOLENCE	305	311	362	370	221	24	84	7	24
OTHER STOLEN PROPERTY	1,631	1,811	1,881	2,264	1,411	59	528	358	108
PASSPORTS AND VISAS	184	204	190	221	189	0	30	13	1
PERJURY	225	285	241	215	94	29	61	3	28
PIRACY	8	7	4	7	5	0	0	1	1
PROSTITUTION	50	64	41	60	22	2	19	5	12
PROTECTION OF WORKING MEN									
EMPLOYERS PROSECUTION	1	0	1	0	0	0	0	0	0
FAIR LABOR STANDARDS ACT	1	1	1	1	1	0	0	0	0
MINE AND MINING	4	3	13	12	2	0	10	0	0
RAILWAY LABOR ACT	1	0	4	0	0	0	0	0	0
RAILROAD UNEMPLOYMENT INSURANCE ACT	2	2	2	2	2	0	0	0	0
UNEMPLOYMENT COMPENSATION FEDERAL EMPLOYEES	4	3	4	3	3	0	0	0	0
SABOTAGE	1	1	1	1	1	0	0	0	0
SELECTIVE SERVICE	108	855	109	839	145	14	592	49	59
STATE CIGARETTE TAX	2	4	2	4	4	0	0	0	0
THEFT OF GOVERNMENT PROPERTY	181	846	1,004	1,065	148	27	197	98	99
TREASON, SEDITION AND SUBVERSIVE ACTIVITIES	58	56	88	75	52	1	16	0	4
VETERANS CLAIMS	130	113	121	125	84	5	51	1	2
WAGERING TAXING TAX	1	0	1	0	0	0	0	0	0
WEAPONS CONTROL	2,935	3,253	5,375	5,725	2,502	145	718	91	269
WITNESS, ETC.	3	3	4	3	2	1	0	0	0
ALL OTHER	449	495	864	887	431	19	121	17	79
TOTALS	41,031	44,291	55,350	59,341	39,384	1,904	12,250	2,051	1,784

1/ EXCLUDES 1736 CASES OR 1833 DEFENDANTS INITIATED BY TRANSFER UNDER RULE 20
INCLUDES 1635 CASES OR 2052 DEFENDANTS TERMINATED BY TRANSFER UNDER RULE 20
AND 2363 CASES OR 6588 DEFENDANTS DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS
2/ INCLUDES 12 DEFENDANTS OR NOT GUILTY BY REASON OF INSANITY INVOLVING 20 DEFENDANTS
INCLUDES 335 FUGITIVE DEFENDANTS DISMISSED IN FAVOR OF THE U.S.
3/ INCLUDES DEFENDANTS INVOLVED IN APPELLATE DECISIONS AND PROCEEDINGS SUSPENDED INDEFINITELY BY COURT

TABLE 5. CONTINUED
CRIMINAL CASES AND DEFENDANTS IN UNITED STATES DISTRICT COURT BY OFFENSE
FISCAL YEAR 1974

OFFENSE	FILED 1/	TERM. 2/	DEFTS FILED 1/	DEFTS TERM. 2/	DISPOSITIONS OF DEFENDANTS IN TERMINATED CASES: GUILTY	NOT GUILTY 3/	DISMISSED 4/	RULE 20	OTHER 5/
D. C. CODE TERRITORIAL VIOLATIONS									
ARSON	3	1	3	1	1	0	0	0	0
ASSAULT	154	145	154	172	55	20	24	0	73
BRIBERY—OBSTRUCTION OF JUSTICE	4	4	4	4	0	0	0	0	4
BURGLARY	171	156	209	182	94	0	30	0	62
CHILDREN OFFENSES	25	23	37	35	10	3	15	0	1
CRIMES ON FEDERAL RESERVATION	2	2	2	2	2	0	0	0	0
CRIMINAL INTENT FOR CRIM OFFENSES	1	1	1	1	1	0	0	0	0
CRUELTY TO ANIMALS	1	1	1	1	0	0	0	0	1
DISORDERLY CONDUCT	2	3	2	1	7	0	0	0	0
EMBEZZLEMENT	21	22	25	24	14	2	4	0	4
ESCAPE & RESCUE	10	15	10	14	13	0	0	1	0
FALSE PERSONATION/FALSE PRETENSE	5	0	5	0	1	0	0	0	5
FORGERY	25	19	26	25	3	0	6	0	11
FRAUD & FALSE STATEMENTS	0	0	10	0	0	0	1	0	1
GAMBLING	14	15	20	19	6	0	4	0	9
HEALTH AND SAFETY	1	1	1	1	1	0	0	0	0
HOMICIDE	45	41	44	42	5	0	0	0	37
INCITEMENT TO CRIMES	5	5	5	5	0	0	0	0	5
KIDNAPING	19	18	19	18	0	0	0	0	18
LARCENY	190	144	185	177	82	9	22	0	64
LIBEL	0	1	0	1	0	0	0	0	1
MANSLAUGHTER	1	0	3	0	0	0	0	0	0
MISCELLANEOUS	14	10	14	10	1	0	0	0	9
MOTOR VEHICLE VIOLATIONS	21	24	24	26	12	1	8	0	5
NARCOTIC DRUGS	38	51	48	36	21	0	11	0	4
OBSCENITY	2	1	2	1	0	0	0	0	1
PERJURY	2	2	2	2	2	0	0	0	0
PERPETUITY OF CRIMES	5	5	6	6	0	0	0	0	0
PRISON BREACH	5	2	5	2	0	0	1	0	1
PROSTITUTION—HOUSEKEEPING	14	105	20	106	1	0	0	0	105
ROBBERY	100	100	110	112	27	3	10	0	72
SEX OFFENSES	50	40	51	41	9	0	3	0	29
TRAFFIC VIOLATIONS	24	21	25	21	13	0	5	3	0
TRESPASS-INJURIES TO PROPERTY	13	15	14	13	0	0	2	0	11
VAGRANCY	1	1	1	1	1	0	0	0	0
WEAPONS CONTROL	234	200	255	201	94	1	6	0	150
ALL OTHER	212	220	240	201	142	3	03	31	22
TOTALS	1,487	1,410	1,605	1,601	602	50	221	19	715
GRAND TOTALS	42,630	45,600	58,941	60,942	59,900	1,951	12,451	2,052	6,497

1/ EXCLUDES 1234 CASES OR 1851 DEFENDANTS INITIATED BY TRANSFER UNDER RULE 20
2/ INCLUDES 1633 CASES OR 2052 DEFENDANTS TERMINATED BY TRANSFER UNDER RULE 20
AND 2363 CASES OR 9388 DEFENDANTS DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS
3/ INCLUDES 12 VERDICTS OF NOT GUILTY BY REASON OF INSANITY INVOLVING 20 DEFENDANTS
4/ INCLUDES 331 APPELLATE DEFENDANTS DISMISSED IN FY74 OF THE U.S.
5/ INCLUDES DEFENDANTS INDICATED IN APPELLATE DECISIONS AND PROCEEDINGS SUSPENDED INDEFINITELY BY COURT

TABLE A
METHOD OF DISPOSITION IN CRIMINAL CASES IN UNITED STATES DISTRICT AND APPELATE COURTS
FISCAL YEAR ENDED JUNE 30, 1976

JUDICIAL DISTRICT	TOTAL DEFTS IN CASES TERM	TRIED BY COURT	TRIED BY JURY	NOT TRIED
ALABAMA N	877	7	45	825
ALABAMA M	361	6	36	299
ALABAMA S	281	2	A1	238
ALASKA	183	2	3	176
ARIZONA	2,146	69	200	1,877
ARKANSAS E	A2A	17	92	315
ARKANSAS W	103	2	17	8A
CALIF N	1,035	36	50	931
CALIF C	3,00A	117	188	2,699
CALIF E	1,390	1A	56	1,320
CALIF S	2,77A	122	177	2,AY5
COLORADO	A58	6	78	3YA
CONNECTICUT	948	5	33	330
DELAWARE	229	0	8	221
DIST OF COLUMBIA	1,9YA	A0	12A	1,810
FLORDIA N	333	0	37	276
FLORDIA M	959	9	122	828
FLORDIA S	1,33A	A8	220	1,086
GEORGIA N	822	1A	109	699
GEORGIA M	408	5	28	3Y5
GEORGIA S	1,A21	155	A1	1,225
HAWAII	248	7	17	22A
IDAHO	199	3	22	17A
ILLINOIS N	986	144	A1	801
ILLINOIS E	249	3	A7	199
ILLINOIS S	193	5	31	157
INDIANA N	651	11	92	5A8
INDIANA S	349	15	16	318
IOWA N	147	1	9	137
IOWA S	194	3	42	149
KANSAS	382	4	59	319
KENTUCKY E	618	9	126	A83
KENTUCKY W	544	A	A2	A98
LOUISIANA E	1,017	36	86	873
LOUISIANA M	8A	6	13	65
LOUISIANA W	910	45	30	835
MAINE	128	0	10	118
MARYLAND	849	37	5A	758
MASSACHUSETTS	956	51	174	731
MICHIGAN E	2,265	31	177	2,057
MICHIGAN W	A02	1	20	381
MINNESOTA	446	9	53	38A
MISSISSIPPI N	169	5	A3	121
MISSISSIPPI S	232	0	2A	208
MISSOURI E	631	17	Y5	339
MISSOURI W	1,313	111	59	1,1A3
MONTANA	236	5	12	219
NEBRASKA	218	9	18	191
NEVADA	A52	6	56	390
NEW HAMPSHIRE	66	1	9	56
NEW JERSEY	989	5	133	851
NEW MEXICO	4A8	9	31	A08
NEW YORK N	182	0	21	161
NEW YORK E	1,Y16	16	177	1,523
NEW YORK S	2,179	19	302	1,838
NEW YORK W	332	6	37	289
N CAROLINA E	435	8	63	36A
N CAROLINA M	A57	20	27	410
N CAROLINA W	431	7	AA	380
NORTH DAKOTA	143	9	11	123
OHIO N	938	3	55	8Y8
OHIO S	553	11	30	A92
OKLAHOMA N	216	11	20	185
OKLAHOMA E	102	0	A0	62
OKLAHOMA W	332	3	63	284
OREGON	336	25	23	306
PENNSYLVANIA E	1,228	46	100	1,082
PENNSYLVANIA M	265	2	33	230
PENNSYLVANIA W	735	39	90	606
PUERTO RICO	428	11	37	380
RHODE ISLAND	15Y	0	14	1A3
S CAROLINA	762	18	101	6A3
S DAKOTA	532	6	A3	A81
TENNESSEE E	298	5	6A	229
TENNESSEE M	A75	29	5Y	389
TENNESSEE W	328	8	57	263
TEXAS N	916	19	83	81A
TEXAS E	220	6	23	191
TEXAS S	2,043	136	192	1,715
TEXAS W	1,317	22	110	1,183
UTAH	2A2	1A	49	179
VERMONT	133	1	10	122
VIRGINIA E	1,A86	106	173	1,205
VIRGINIA W	2Y9	3	10	258
WASHINGTON E	196	12	21	163
WASHINGTON W	679	33	76	370
WEST VIRGINIA N	102	1	2	99
WEST VIRGINIA S	336	A	28	304
WISCONSIN E	277	13	28	236
WISCONSIN W	128	3	10	113
WYOMING	157	3	20	134
CANAL ZONE	402	56	A	342
GUAM	50	0	A	A6
VIRGIN ISLANDS	310	23	78	409
TOTALS	60,9A2	2,030	5,822	53,070

TABLE 3

UNITED STATES ATTORNEYS FINANCIAL SUMMARY - FISCAL YEAR ENDED JUNE 30, 1978

4667 1 - IMPOSED

JUDICIAL DISTRICT	FINES	FORFEITURES	PENALTIES	FORECLOSURES	OTHER CIVIL JUDGMENTS	BONDS FORFEITED	TOTAL	666-JUDGMENT CIVIL CLAIMS
ALABAMA N	214,611	0	3,000	0	388,074	0	595,685	2,123,987
ALABAMA M	104,716	0	0	0	114,162	10,000	228,878	0
ALABAMA S	181,173	8,372	101,565	2,000	121,701	0	419,610	132,624
ALASKA	171,134	0	0	0	0,111	0	178,245	1,864,913
ARIZONA	662,506	800	6,099	856,495	25,659	488,571	1,847,990	2,859,157
ARKANSAS E	300,807	0	7,967	1,180,563	93,697	15,500	1,319,766	65,796
ARKANSAS W	4,220	0	8,672	563,731	001,253	0	1,174,644	142,387
CALIF E	298,230	0	0	0	700,594	40,000	1,038,766	6,313,644
CALIF C	1,230,682	806,968	85,310	0	2,162,740	191,132	4,586,744	50,263,734
CALIF E	107,330	0	0	0	134,408	0	241,818	952,538
CALIF I	301,946	132,886	8,910	0	154,630	475,500	1,330,979	681,634
COLORADO	65,785	19,870	100,370	6,273,332	137,713	62,500	6,865,783	8,814,531
CONNECTICUT	86,249	0	2,000	779,516	244,631	4,500	1,114,996	866,766
DELAWARE	137,418	9,221	0	3,870,200	216,660	0	3,474,024	323,000
DIST OF COLUMBIA	90,200	0	900	0	305,415	0	454,215	6,026,728
FLORIDA N	7,678	1,823	0	644,993	66,959	0	561,677	91,215
FLORIDA S	279,276	24,500	82,785	6,997,573	435,759	271,225	5,709,112	1,660,650
FLORIDA M	318,634	2,635	5,959	2,905,733	3,634,324	194,413	7,457,694	664,381
GEORGIA N	223,103	24,593	122,055	00,960	211,518	510,500	1,141,327	291,923
GEORGIA M	38,960	5,831	367	31,900	56,730	0	121,856	574,251
GEORGIA S	238,718	4,864	201	0	100,383	0	453,961	94,604
HAWAII	317,750	0	26,500	0	36,780	0	270,950	141,909
IDAHO	77,825	0	3,500	688,868	330,931	10,000	1,110,124	1,230,562
ILLINOIS N	493,962	126,256	333,173	40,669,814	1,300,006	621,998	51,497,881	6,630,532
ILLINOIS O	38,705	0	0	82,966	39,575	0	158,626	0
ILLINOIS E	240,100	0	2,750	819,104	1,144,027	20,000	2,031,152	744,126
INDIANA N	178,324	8,473	0,870,169	2,789,968	47,713	80,000	8,666,827	7,044,613
INDIANA S	108,600	8,998	4,790	1,867,816	673,297	0	2,194,636	13,641,877
IOWA N	30,035	0	334	673,613	140,588	0	724,570	2,668,668
IOWA E	36,101	0	7,000	320,505	114,913	0	660,350	2,662,497
KANSAS	42,615	8,000	8,597	3,005,334	1,120,962	0	2,250,443	769,818
KENTUCKY E	780,340	0	20,877	1,600	1,562,807	17,000	2,959,924	339,218
KENTUCKY W	67,324	8,825	19,163	421,664	234,578	53,000	635,554	2,793,786
LOUISIANA E	1,126,966	8,531	130,913	31,568,182	325,198	50,000	13,014,390	5,137,308
LOUISIANA W	296,780	0	3,000	139,403	44,719	0	388,182	901,958
LOUISIANA M	108,269	0	353,184	1,296,670	12,898	0	1,090,769	2,896,427
MAINE	158,215	0	148,648	0	31,830	2,900	354,873	2,726,451
MARYLAND	257,807	14,341	41,457	3,172,643	3,307,022	0	2,793,340	400,367
MASSACHUSETTS	653,312	1,037,639	643,066	12,884,539	305,534	33,000	15,544,990	2,666,757
MICHIGAN E	888,021	37,510	0	11,638	377,642	288,500	1,323,140	665,666
MICHIGAN W	119,425	0	649	12,988	211,642	0	344,595	1,651,886
MINNESOTA	317,565	0	0	0	244,382	10,000	373,867	0
MISSISSIPPI N	27,190	3	6,490	0	406,398	0	438,033	354,637
MISSISSIPPI S	149,180	8,000	0	0	960,929	0	1,119,336	256,754
MISSOURI E	84,190	11,542	82,545	0	2,830,297	50,000	2,911,574	1,110,277
MISSOURI W	173,563	2,332	9,272	19,128	129,635	103,500	453,429	1,407,767
MONTANA	19,695	0	103,077	406,047	44,192	200	660,210	348,612
NEBRASKA	96,807	0	249	744,097	302,906	2,000	1,180,059	0
NEVADA	196,170	0	48,207	0	1,040,611	188,500	2,181,317	10,784
NEW HAMPSHIRE	17,790	0	9,178	0	95,849	0	114,804	115
NEW JERSEY	907,254	75	0	8,560,316	1,600,805	0	8,136,449	2,218,004
NEW MEXICO	146,565	60,000	420	233,174	189,817	0	449,371	75,187
NEW YORK N	74,928	5,000	2,500	3,768,382	178,878	500	4,029,588	357,345
NEW YORK E	1,665,365	15,000	0	20,827,679	2,432,262	0	29,140,306	354,387
NEW YORK S	1,540,373	0	0	0	12,215,004	561,500	15,317,760	12,660,477
NEW YORK W	114,172	76,330	19,440	2,347,266	748,668	2,000	3,449,983	850,479
N CAROLINA E	364,140	0	3,794	0	169,723	0	535,658	81,977
N CAROLINA M	78,430	783	0	0	21,563	1,000	95,576	293,611
N CAROLINA W	138,810	0	2,262	0	152,909	0	270,651	30,644
NORTH DAKOTA	52,914	0	57,004	190,278	27,394	5,000	536,811	1,847,390
OHIO N	164,950	0	54,498	1,686,823	2,632,754	0	4,518,810	5,179,796
OHIO S	184,323	0	0	7,335,335	110,257	0	7,544,888	1,670
OKLAHOMA N	37,814	0	14,238	3,791,650	1,170	0	3,644,614	594,788
OKLAHOMA E	16,955	55	15,329	1,664,957	425,615	0	2,163,007	92,189
OKLAHOMA W	72,660	0	26,227	2,758,583	53,256	0	2,909,126	0
OREGON	296,290	10,609	201,149	474,694	94,787	50,000	1,057,368	3,861,917
PENNSYLVANIA E	635,094	0	0	1,686,187	6,913,190	7,500	9,241,974	10,749,887
PENNSYLVANIA M	113,230	0	3,863	0,000	600,425	0	552,338	16,577
PENNSYLVANIA W	344,866	0	0	320,431	297,949	127,290	1,087,766	123,659
PUERTO RICO	0	0	0	0	0	0	0	0
RHODE ISLAND	48,950	0	3,381	0	0	0	92,251	664,509
S CAROLINA	126,173	3,531	20,560	7,353,964	199,854	9,500	7,514,814	5,913,944
S DAKOTA	24,423	0	0	123,349	16,662	10,000	174,394	295,139
TENNESSEE E	88,215	64,129	62,561	0	272,297	4,500	493,502	779,775
TENNESSEE M	62,191	2,000	8,200	0	35,627	0	107,918	66,575
TENNESSEE W	300,191	132	10,994	0	31,010	14,782	166,929	154,516
TEXAS N	147,980	94,310	74,393	0	1,448,919	8,000	1,764,939	6,277,896
TEXAS E	14,850	0	0	10,739	95,284	0	60,873	260,786
TEXAS S	906,648	237,887	0	0	514,249	10,000	1,675,404	657,211
TEXAS W	100,454	151,500	0	0	8,238	0	360,192	506
UTAH	444,675	307	178,356	383,780	676,932	0	1,679,250	94,334
VERMONT	34,975	57,422	50	129,019	74,974	0	301,240	42,055
VIRGINIA E	76,239	0	5,611	0	1,015,286	2,500	1,099,636	650,066
VIRGINIA W	60,855	0	47,579	85	91,368	0	199,887	10,538
WASHINGTON E	25,867	0	0	9,675,863	160,296	0	3,871,726	9,229,749
WASHINGTON W	190,853	10,285	35,405	1,409,811	3,645,237	5,700	5,104,571	531,265
WEST VIRGINIA N	49,205	0	40,634	0	42,872	0	133,516	355,044
WEST VIRGINIA S	308,960	0	107,198	0	194,878	0	968,936	245,789
WISCONSIN E	136,600	0	494,020	396,662	217,606	0	1,274,720	3,609,752
WISCONSIN W	4,665	250	0	630,132	228,394	0	664,931	653,621
WYOMING	2,000	0	15,200	305,128	137,618	0	460,117	284,112
CANAL ZONE	8,346	2,000	0	0	4,350	10,100	24,796	0
GUAM	4,290	0	0	0	0	0	4,290	0
VIRGIN ISLANDS	7,005	4,000	62,755	502,170	2,815	0	644,145	305,411
TOTALS	21,870,046	2,188,683	0,661,294	177,009,255	61,264,029	6,813,643	277,408,652	201,304,630

TABLE 5

UNITED STATES ATTORNEYS FINANCIAL SUMMARY - FISCAL YEAR ENDED JUNE 30, 1978

PART 2 - COLLECTED

JUDICIAL DISTRICT	FINES	FORFEITURES	PENALTIES	FORECLOSURES	OTHER CIVIL JUDGMENTS	BONDS FORFEITED	TOTAL	PER-JUDGMENT CIVIL CLAIMS
ALABAMA N	186,389	0	0	0	11,471	0	200,260	107,651
ALABAMA M	88,436	30	0	0	107,578	10,290	206,144	8,823
ALABAMA S	30,380	9,149	11,000	2,000	122,883	0	191,411	93,028
ALASKA	161,189	0	100	14,627	8,979	0	183,495	2,933,218
ARIZONA	149,616	0	175	703,324	60,123	413,013	1,326,251	93,842
ARKANSAS E	56,050	10	9,544	768,614	202,452	10	1,035,171	130,966
ARKANSAS W	6,728	0	0	560,667	8,474	0	575,870	224,789
CALIF N	451,216	354	0	0	274,303	1,719	727,593	959,725
CALIF E	861,870	160,329	39,893	140,040	1,193,764	39,187	2,487,676	1,063,641
CALIF E	114,329	0	0	0	123,306	0	238,035	67,616
CALIF S	281,380	132,786	8,276	0	95,532	344,822	862,795	643,140
COLORADO	63,398	15,719	18,861	16,024	142,189	1,750	259,323	699,219
CONNECTICUT	80,671	0	750	437,584	269,002	105	808,532	563,013
DELAWARE	97,283	987	2,400	354,763	44,673	0	499,507	96,393
DIST OF COLUMBIA	62,179	0	0	0	151,422	0	213,567	130,677
FLORIDA N	7,925	1,923	700	444,943	66,376	0	542,867	87,163
FLORIDA M	173,483	30,500	10,984	4,782,282	251,663	30,010	5,304,274	345,359
FLORIDA S	262,032	1,330	24,772	5,310,263	667,491	162,290	6,476,058	746,084
GEORGIA N	146,333	24,331	61,499	50,960	132,046	55,073	470,842	331,987
GEORGIA M	13,282	5,321	0	31,300	23,343	0	73,446	278,889
GEORGIA S	121,418	4,548	1,367	0	89,851	3,000	221,495	71,106
HAWAII	214,041	0	26,580	0	839	3,000	244,476	129,936
IDAHO	80,335	0	2,375	983,039	19,634	1,000	686,387	438,466
ILLINOIS N	269,180	8,637	16,089	926,675	1,539,614	32,265	2,580,291	260,161
ILLINOIS E	68,035	0	21	290,789	32,008	0	379,132	262,377
ILLINOIS S	213,481	740	3,127	511,269	1,004,352	0	1,801,189	184,127
INDIANA N	65,210	6,673	4,022	2,011,968	33,248	8,800	2,129,701	178,112
INDIANA S	37,568	7,995	4,312	1,390,005	104,484	0	1,544,364	359,764
IOWA N	14,315	0	0	250,799	42,114	9,000	312,228	957,977
IOWA S	35,263	0	4,980	127,141	31,839	200	200,465	1,220,899
KANSAS	49,983	5,000	12,188	668,504	329,324	28,000	1,072,499	497,724
KENTUCKY E	166,020	0	17,414	21,544	829,294	5,438	1,050,670	411,473
KENTUCKY W	76,258	0	4,221	675,334	9,288	3,500	768,978	136,251
LOUISIANA E	1,088,222	4,731	194,693	3,596,181	201,888	10,000	5,076,737	23,747
LOUISIANA M	260,763	0	8,125	1,880,084	59,679	0	2,208,655	58,787
LOUISIANA W	176,631	0	10,405	1,091,938	79,502	0	1,338,514	297,219
MAINE	34,330	0	140,648	0	10,945	60	192,259	436,181
MARYLAND	110,519	26,184	15,661	539,115	149,846	10,000	886,874	82,568
MASSACHUSETTS	320,109	1,037,629	448,249	12,910,643	410,196	2,770	14,779,400	1,220,175
MICHIGAN E	403,321	17,368	0	11,838	109,642	10,590	553,339	1,066,560
MICHIGAN W	63,225	0	1,433	57,639	24,880	0	151,099	85,184
MINNESOTA	108,825	0	0	0	124,513	5,200	238,538	172,264
MISSISSIPPI N	15,049	3	2,500	1,250	210,014	2,000	230,816	159,518
MISSISSIPPI S	83,138	3,000	0	0	138,781	0	376,918	362,229
MISSOURI E	120,645	6,509	23,010	0	139,012	0	289,362	166,122
MISSOURI W	88,863	2,552	3,269	840	93,250	510	188,503	940,790
MONTANA	70,179	1,143	48,463	165,385	38,177	200	293,365	219,396
NEBRASKA	54,953	2,320	4,047	2,921,449	78,665	10	2,661,444	1,068,970
NEVADA	64,462	0	2,000	0	68,598	13,500	133,521	13,010
NEW HAMPSHIRE	5,980	0	5,170	0	37,868	0	77,346	1,081
NEW JERSEY	489,392	233	1,800	14,432,523	429,367	1,000	13,986,874	2,234,769
NEW MEXICO	46,776	13,000	420	23,189	173,505	0	256,498	33,099
NEW YORK N	76,779	0	87	62,932	150,983	0	290,777	289,679
NEW YORK E	1,290,807	68,390	7,869,466	289,698	533,149	5,100	9,258,778	983,010
NEW YORK S	758,394	0	0	0	1,820,843	777,279	3,368,316	6,197,629
NEW YORK W	51,628	2,314	3,013	229,600	15,089	12,800	304,444	307,786
N CAROLINA E	98,390	0	1,046	0	134,236	0	233,842	8,674
N CAROLINA M	70,035	183	0	0	88,027	1,000	159,245	98,304
N CAROLINA W	176,273	0	4,869	0	108,446	0	289,587	45,418
NORTH DAKOTA	49,914	0	55,000	243,338	18,835	0	367,086	699,549
OHIO N	233,750	0	2,719	1,186,720	2,013,736	0	3,436,931	280,638
OHIO S	186,395	0	375	5,487,601	127,664	0	5,722,195	557,811
OKLAHOMA N	11,368	0	150	5,325,921	21,413	0	5,364,493	27,704
OKLAHOMA E	11,204	55	750	417,368	71,234	0	498,401	77,960
OKLAHOMA W	40,033	0	6,397	7,461,366	63,626	0	7,471,622	26,807
OREGON	74,279	10,889	201,123	912,900	129,956	3,000	827,662	834,321
PENNSYLVANIA E	671,028	0	0	91,390	633,661	0	1,396,079	273,001
PENNSYLVANIA M	60,742	0	5,643	8,000	101,804	0	176,459	19,309
PENNSYLVANIA W	295,644	0	17,074	1,608,643	129,218	0	2,047,486	137,334
PUERTO RICO	38,818	1,290	38,089	122,777	34,784	0	237,128	87,957
RHODE ISLAND	83,885	0	1,700	0	10,850	0	96,435	934,294
S CAROLINA	96,508	9,264	9,350	9,866,746	138,932	1,000	6,111,898	3,258,334
S DAKOTA	24,028	0	0	82,713	1,059,371	10,000	1,176,113	263,107
TENNESSEE E	41,267	69,124	23,162	0	46,212	2,500	182,290	271,993
TENNESSEE M	36,393	0	7,700	0	8,283	0	52,376	73,822
TENNESSEE W	35,330	132	1,130	0	29,072	3,310	67,223	31,234
TEXAS N	114,626	3,791	8,648	0	438,703	8,590	566,193	1,208,181
TEXAS E	31,878	0	0	11,312	108,266	0	141,534	97,280
TEXAS S	1,038,812	204,193	0	0	777,464	210,757	2,231,226	137,947
UTAH	188,888	139,120	0	0	34,137	60	362,198	208,317
VERMONT	14,986	100	89,027	110,582	239,986	0	454,681	61,132
VIRGINIA E	11,399	57,822	0	129,819	73,974	0	272,974	69,727
VIRGINIA W	83,523	0	7,910	0	1,166,324	2,300	1,259,261	241,578
VIRGINIA M	84,787	200	3,265	642	29,165	0	116,107	591,467
WASHINGTON E	23,031	0	0	250,911	18,184	0	292,672	371,909
WASHINGTON W	69,239	7,800	11,324	1,869,847	190,031	590	1,928,817	240,457
WEST VIRGINIA N	14,844	0	6,376	0	21,021	0	43,026	177,140
WEST VIRGINIA S	43,481	0	35,819	0	75,869	400	155,564	104,334
WISCONSIN E	288,610	0	900	60,320	194,308	0	902,718	304,256
WISCONSIN W	7,040	250	0	401,177	215,036	965	630,468	137,693
WYOMING	4,660	0	3,826	38	64,749	0	73,081	72,724
CANAL ZONE	8,764	2,000	0	0	4,350	10,100	24,746	0
GUAM	2,280	0	0	0	180	0	2,380	0
VIRGIN ISLANDS	3,489	3,100	2,315	1,769	339	0	15,234	0
TOTALS	16,923,614	2,097,884	8,833,322	88,317,082	21,620,714	2,287,464	138,081,997	40,037,106

TABLE 5

UNITED STATES ATTORNEYS FINANCIAL SUMMARY - FISCAL YEAR ENDED JUNE 30, 1974

PART 5 - FORFEITURE, SUSPENSION, & COMPROMISE

JUDICIAL DISTRICT	FINES	FORFEITURES	PENALTIES	FORECLOSURES	OTHER CIVIL JUDGMENTS	BONDS FORFEITED	TOTAL	NON-JUDGMENT CIVIL CLAIMS
ALABAMA N	0	0	0	0	11,943	0	11,943	177,932
ALABAMA M	84,781	0	0	0	0	0	84,781	0
ALABAMA S	5,000	0	0	0	2,741	0	5,741	56,375
ALASKA	1,123	0	0	0	0	0	1,123	520
ARIZONA	81,311	0	825	15,124	119,934	47,500	263,119	137,459
ARKANSAS E	1,430	0	0	0	0	0	1,430	12,443
ARKANSAS W	1,565	0	0	86,595	0	0	87,434	2,284
CALIF W	46,265	3,571	0	0	527,999	0	578,254	152,164
CALIF C	88,413	0	449	0	163,803	60,460	313,124	2,093,046
CALIF S	33,952	0	0	0	74,275	0	127,867	29,464
CALIF S	0	0	0	0	78	0	78	78,623
COLORADO	0	0	0	0	112,274	0	120,274	419,331
CONNECTICUT	17,760	0	0	240,000	4,154	0	261,914	87,297
DELAWARE	0	0	0	0	0	0	0	1,013
DIST OF COLUMBIA	0	0	0	0	9,129	0	9,129	27,410
FLORIDA N	0	0	0	0	5,021	0	5,521	189,477
FLORIDA M	15,640	0	0	1,481,825	539,472	0	2,036,932	107,423
FLORIDA S	207,848	75	1,298	0	21,964	14,250	243,030	6,940
GEORGIA N	10,000	0	0	0	958	76,450	87,008	6,458
GEORGIA M	15,000	0	0	0	1,171	0	16,171	14,796
GEORGIA S	5,120	0	0	0	103,676	0	104,796	15,315
HAWAII	0	0	0	0	0	0	0	13,199
IDAHO	0	0	0	0	0	0	0	45,378
ILLINOIS N	194,881	316	9,850	0	118,128	109,432	434,345	112,875
ILLINOIS E	490	0	0	854	361	0	1,705	1,430
ILLINOIS S	0	0	0	1,552,749	8,114	0	1,560,863	599
INDIANA N	30,578	0	51,718	0	99,031	4,806	176,134	6,465
INDIANA S	0	0	2,220	985	4,639	0	15,844	F,025
IOWA N	0	5,800	0	0	3,571	0	8,571	82,546
IOWA S	0	0	2,900	0	22,840	0	25,780	18,094
KANSAS	325	0	0	0	47	0	347	441,918
KENTUCKY E	304,753	0	9,850	0	117,998	2,500	435,092	112,875
KENTUCKY W	12,360	0	512	1,690	61	21,500	56,123	1,215,620
LOUISIANA E	0	0	344	0	2,970	0	3,314	260,980
LOUISIANA W	0	0	0	0	5,500	0	5,500	1,950
LOUISIANA M	24,693	0	25,250	156,550	77,852	0	262,093	311,074
MAINE	0	0	0	0	10,458	21,500	31,958	113,686
MARYLAND	52,370	1,512	275,184	20,575	33,807	0	383,444	525,823
MASSACHUSETTS	40,490	0	2,800	0	116,633	9,500	169,433	103,804
MICHIGAN E	52,412	0	0	0	173,004	59,000	284,416	53,104
MICHIGAN W	10,990	0	0	0	7,065	0	24,015	12,815
MINNESOTA	0	0	0	0	39,173	4,800	43,573	0
MISSISSIPPI N	0	0	1,600	0	36,284	3,000	40,895	0
MISSISSIPPI S	2,000	0	0	0	39,810	0	41,410	97,831
MISSOURI E	0	6,497	500	0	11,874	0	18,580	14,551
MISSOURI W	22,554	0	10,595	0	31,743	0	64,703	129,727
MONTANA	100	0	142,500	23,002	42,902	0	209,594	86,331
NEBRASKA	10,918	0	1,000	53,161	57,311	1,000	123,290	234,895
NEVADA	5,000	0	0	0	36,061	0	41,061	1,574
NEW HAMPSHIRE	130	0	0	0	3,770	0	3,900	0
NEW JERSEY	50,294	0	2,500	0	127,472	0	180,266	1,582
NEW MEXICO	0	0	0	0	4,971	0	3,971	14,015
NEW YORK N	0	0	100	0	65,137	0	65,237	32,717
NEW YORK E	77,868	0	0	227	27,344	0	105,439	47,790
NEW YORK S	0	0	0	0	0	0	0	12,259,174
NEW YORK W	23,000	11,000	19,604	5,824	1,494	0	37,124	71,379
N CAROLINA E	25,604	0	0	0	56,772	0	85,378	1,599
N CAROLINA M	12,000	0	0	0	57,009	0	70,409	4,761
N CAROLINA W	45,490	0	0	0	20,277	0	69,763	0
NORTH DAKOTA	7,100	0	0	223	4,959	0	13,783	13,007
OHIO N	0	0	0	500	4,574	0	9,074	209,500
OHIO S	0	0	0	317,304	42,742	0	980,128	48,459
OKLAHOMA N	0	0	0	0	0	0	0	0
OKLAHOMA E	40	0	573	29,324	7,449	0	32,402	1,525
OKLAHOMA W	0	0	0	17,195	40,131	0	77,326	5,400
OREGON	0	0	23	1,146	0	0	1,169	5,189,541
PENNSYLVANIA E	0	0	0	0	74,825	0	74,825	0
PENNSYLVANIA M	0	0	0	0	0	0	0	0
PENNSYLVANIA W	100,017	0	0	91,438	88,221	24,500	510,176	108,844
PUERTO RICO	0	0	0	0	0	0	0	0
RHODE ISLAND	0	0	0	0	963	0	963	1,882
S CAROLINA	2,342	0	2,205	564,944	4,015	0	573,505	280,249
S DAKOTA	1,990	0	0	994	9,381	0	11,277	0
TENNESSEE E	0	0	11,000	0	7,257	4,130	27,442	4,029
TENNESSEE M	24,150	0	0	0	21,496	0	45,626	0
TENNESSEE W	2,500	0	0	0	0	300	3,000	27,331
TEXAS N	55,253	0	20,909	0	1,577,087	53,845	1,697,510	1,253,166
TEXAS E	1,000	0	0	0	17,782	0	18,782	14,299
TEXAS S	0	0	0	0	0	0	0	0
TEXAS W	35,845	0	0	0	28,784	53,250	107,791	0
UTAH	26,100	0	100,023	0	7,578	0	133,781	4,594
VERMONT	0	0	0	0	0	0	0	0
VIRGINIA E	5,790	0	0	0	53,978	0	59,768	19,001
VIRGINIA W	250	0	0	0	1,730	0	1,980	143,644
WASHINGTON E	0	0	0	247,619	12,778	0	260,397	5,481,062
WASHINGTON W	12,889	125	0	170,394	15,565	0	198,759	60,378
WEST VIRGINIA N	15,250	0	8,991	0	47,355	0	84,576	156,044
WEST VIRGINIA S	515,150	250	0	0	32,277	0	388,672	87,746
WISCONSIN E	27,695	0	100,000	0	0	0	127,695	15,427
WISCONSIN W	0	0	0	47,994	4,647	0	54,641	390,784
WYOMING	0	0	0	0	126,057	0	128,052	1,441
CANAL ZONE	0	0	0	0	0	0	0	0
GUAM	0	0	0	0	0	0	0	0
VIRGIN ISLANDS	720	900	0	0	0	0	1,670	0
TOTALS	2,266,567	29,207	791,201	5,005,027	5,259,824	334,981	13,983,877	29,498,487

TABLE 5

UNITED STATES ATTORNEYS FINANCIAL SUMMARY - FISCAL YEAR ENDED JUNE 30, 1976

PART A - UNCOLLECTABLE

JUDICIAL DISTRICT	FINES	FORFEITURES	PENALTIES	FORECLOSURES	OTHER CIVIL JUDGMENTS	BONDS FORFEITED	TOTAL	PRE-JUDGMENT CIVIL CLAIMS
ALABAMA N	0	0	0	0	26,780	0	26,780	2,307,309
ALABAMA M	0	0	0	0	0	0	0	0
ALABAMA S	230	0	170,000	0	60,612	0	230,612	52,326
ALASKA	0	0	0	0	0	0	0	0
ARIZONA	0	0	0	70,036	32,282	10,000	120,320	71,075
ARKANSAS E	0	0	0	165,611	16,667	0	212,685	0
ARKANSAS W	0	0	0	46,186	34,287	0	80,655	10,650
CALIF N	0	0	0	0	108,290	0	108,290	3,107,896
CALIF E	0	0	3,991	0	1,206,221	68,579	1,358,148	31,774,245
CALIF C	0	0	0	0	640	0	640	228,610
CALIF S	0	0	0	0	0	0	0	0
COLORADO	0	0	0	0	22,000	0	22,000	71,005
CONNECTICUT	6,725	0	0	30,663	68,212	0	75,620	68,702
DELAWARE	0	0	0	0	0	0	0	0
DIST OF COLUMBIA	0	0	0	0	0	0	0	0
FLORIDA S	0	0	0	0	0	0	0	0
FLORIDA N	7,260	0	357,261	126,226	0	0	490,735	1,001,044
FLORIDA S	1,630	0	155	0	897,127	24,131	862,743	230,333
GEORGIA N	30,190	0	0	0	6,741	6,900	45,761	26,669
GEORGIA M	0	0	0	0	34,907	0	34,907	69,478
GEORGIA S	156	0	0	0	0	1,500	1,656	0
HAWAII	0	0	0	0	0	0	0	0
IDAHO	1,265	0	0	21,467	0	3,800	16,562	10,643
ILLINOIS N	0	0	0	0	216,657	0	216,652	486,694
ILLINOIS E	1,795	0	0	96,818	1,944	0	100,721	0
ILLINOIS S	1,740	0	0	177,612	324,428	0	304,080	189,636
INDIANA N	0	0	0	207,598	116,313	667	482,564	6,262,613
INDIANA S	0	0	0	0	8,683	0	8,683	796
IOWA N	0	0	0	56,836	4,634	0	60,668	26,588
IOWA S	126	0	0	78,020	147,723	0	225,869	121,580
KANSAS	0	0	0	201,878	293,521	0	375,199	77,200
KENTUCKY E	0	0	0	0	3,062	0	3,062	36
KENTUCKY W	10,610	0	0	36,146	4,081	7,500	76,336	1,276,716
LOUISIANA E	4,500	0	20,723	288,597	137,617	0	451,377	2,778,516
LOUISIANA W	0	0	0	0	0	0	0	0
LOUISIANA M	0	0	0	99,768	4,954	0	104,714	316,297
MAINE	100	0	0	0	2,961	3,000	6,061	389,679
MARYLAND	28,630	1,512	276,493	180,547	31,641	0	618,662	846,619
MASSACHUSETTS	25,986	0	9,132	976,696	1,975,375	13,520	2,646,427	646,051
MICHIGAN E	2,680	0	0	0	239,206	20,000	261,886	98,487
MICHIGAN W	2,635	0	130	0	111,013	0	114,078	874,501
MINNESOTA	0	0	0	0	102,610	0	102,610	0
MISSISSIPPI N	6,675	0	0	31,306	169,160	0	207,641	132,852
MISSISSIPPI S	0	0	0	0	20,546	0	20,546	0
MISSOURI E	0	0	0	0	97,968	0	97,968	469,378
MISSOURI W	5,210	0	0	16,260	129,169	25,500	176,177	713,021
MONTANA	0	0	0	129,212	45,468	0	170,672	216
NEBRASKA	10,610	0	0	58,161	236,868	1,000	294,037	116,762
NEVADA	0	0	0	0	0	6,368	6,368	4,936
NEW HAMPSHIRE	0	0	0	0	0	0	0	0
NEW JERSEY	30,667	0	11,500	5,842,842	809,696	0	5,700,804	815,447
NEW MEXICO	0	0	0	0	0	0	0	0
NEW YORK N	0	0	0	11,774	1,117	0	12,696	0
NEW YORK E	3,500	0	0	1,041	395,481	0	396,942	20,049
NEW YORK S	0	0	0	0	72,241	0	72,241	0
NEW YORK W	0	0	0	677	3,283	0	3,670	0
NORTH CAROLINA E	0	0	0	0	24,824	0	24,826	72,819
NORTH CAROLINA M	0	0	0	0	68,779	0	68,779	112,659
NORTH CAROLINA W	320	0	235	0	1,459	0	2,014	0
NORTH DAKOTA	350	0	0	1,021	0	0	1,371	388,007
OHIO N	0	0	0	196,753	81,314	0	238,867	4,672,177
OHIO S	0	0	0	6,021	156,042	0	162,065	6,213
OKLAHOMA N	0	0	0	0	0	0	0	0
OKLAHOMA E	0	0	575	1,110,812	162,263	0	1,273,730	1,615
OKLAHOMA W	0	0	0	412,385	0	0	412,385	0
OREGON	0	0	0	0	435,321	0	435,321	57,526
PENNSYLVANIA E	0	0	0	0	54,671	0	54,671	0
PENNSYLVANIA M	0	0	0	0	0	0	0	0
PENNSYLVANIA W	56,967	0	0	93,150	0	0	84,717	0
PUERTO RICO	0	0	0	0	0	0	0	0
RHODE ISLAND	1,000	0	0	0	0	0	1,000	232,681
SOUTH CAROLINA	0	0	0	582,206	12,636	0	595,169	1,446,464
SOUTH DAKOTA	0	0	0	4,693	806	0	5,239	0
TENNESSEE E	3,520	0	0	0	1,208	0	4,736	0
TENNESSEE M	0	0	0	0	1,162	0	1,162	0
TENNESSEE W	800	0	0	0	0	0	800	61,471
TEXAS S	100	0	0	0	82,546	0	82,646	0
TEXAS E	0	0	0	5,360	15,019	0	20,359	23,341
TEXAS N	0	0	0	0	226,617	0	226,917	676,018
TEXAS W	0	0	0	0	136,538	0	136,538	0
UTAH	0	0	0	0	16,632	0	16,632	0
VERMONT	0	0	0	0	0	0	0	0
VIRGINIA E	0	0	0	0	11,259	0	11,259	173,711
VIRGINIA W	0	0	0	0	0	0	0	0
WASHINGTON E	0	0	0	0	13,301	0	13,301	32,853
WASHINGTON W	6,525	0	0	105,639	66,040	0	176,304	16,574
WEST VIRGINIA N	0	0	1,105	0	24,073	0	24,178	14,059
WEST VIRGINIA S	904	0	0	0	30,093	0	30,557	15,786
WISCONSIN E	0	0	367,220	23,644	138,083	6,600	530,547	1,388,611
WISCONSIN W	0	0	0	0	0	0	0	0
WYOMING	0	0	0	0	0	0	0	0
CANAL ZONE	0	0	0	0	0	0	0	0
GUAM	0	0	0	0	0	0	0	0
VIRGIN ISLANDS	0	0	0	0	0	0	0	0
TOTALS	224,368	1,532	836,786	6,035,774	6,642,765	286,064	20,017,488	66,196,732

TABLE 8

CASE LOAD PER ASSISTANT U.S.ATTORNEY BASED ON UNITED STATES CASES IN DISTRICT AND STATE COURTS - FISCAL YEAR ENDED JUNE 30, 1976

JUDICIAL DISTRICT	AVERAGE NUMBER OF ASSISTANT U.S.ATTORNEYS	U.S. CASES PENDING 07/01/75 1/	CASES FILED DURING YEAR 2/	U.S.CASES HANDLED DURING YEAR	CASES HANDLED PER ASSISTANT U.S.ATTORNEY	CASES TERMINATED DURING YEAR 1/	CASES TERMINATED PER ASSISTANT U.S.ATTORNEY	U.S. CASES PENDING 06/30/76
ALABAMA N	11.9	522	1,284	1,346	134.8	1,147	96.5	719
ALABAMA M	5.6	124	356	480	85.7	378	67.6	101
ALABAMA S	3.8	127	264	391	102.8	235	67.1	136
ALASKA	5.0	572	266	838	151.6	516	63.2	342
ARIZONA	24.6	3,714	2,188	5,802	136.5	2,108	85.0	1,774
ARKANSAS E	9.2	597	457	1,054	114.5	363	85.3	689
ARKANSAS W	5.2	230	381	601	250.5	494	154.5	307
CALIF N	30.9	1,668	1,476	5,161	89.6	1,817	59.6	1,844
CALIF C	85.0	3,136	3,753	6,909	81.2	1,627	42.6	5,282
CALIF E	18.7	1,107	1,386	2,645	251.6	1,370	147.4	1,115
CALIF S	58.0	2,133	2,115	4,506	143.5	2,304	76.6	2,002
COLORADO	10.7	657	830	1,487	89.0	755	45.8	734
CONNECTICUT	10.3	770	995	1,765	171.1	846	82.1	917
DELAWARE	9.2	211	342	555	108.3	306	58.8	247
DIST OF COLUMBIA	71.1	2,008	2,988	4,975	69.9	2,634	57.0	2,339
FLORIDA N	5.3	243	556	781	217.2	487	147.3	294
FLORIDA M	22.3	1,117	1,627	2,744	123.0	1,490	34.8	1,234
FLORIDA S	78.7	1,497	2,065	3,562	119.9	1,683	34.7	1,877
GEORGIA M	16.7	940	1,324	2,264	121.0	1,110	39.5	1,154
GEORGIA M	6.7	210	409	827	329.4	615	91.7	212
GEORGIA S	6.8	295	1,644	1,647	244.5	1,425	209.2	274
HAWAII	4.9	530	344	694	141.6	276	56.5	418
IDAHO	5.9	247	301	558	141.8	259	44.4	781
ILLINOIS N	69.2	2,577	2,910	5,347	75.1	1,551	22.4	5,336
ILLINOIS E	7.6	557	520	1,077	141.7	504	66.5	573
ILLINOIS S	4.8	538	355	894	144.5	333	89.5	561
INDIANA N	6.0	696	676	1,570	171.2	701	87.6	869
INDIANA S	9.3	716	794	1,510	162.3	783	84.1	727
IOWA N	4.0	195	217	572	95.0	207	51.7	165
IOWA S	3.8	177	351	520	134.9	533	87.6	193
KANSAS	11.9	648	1,176	1,814	152.6	1,103	92.8	711
KENTUCKY E	7.7	1,598	2,316	5,906	307.2	1,811	151.3	2,095
KENTUCKY M	7.6	634	990	1,336	204.7	784	103.1	772
LOUISIANA E	10.6	612	1,280	1,892	96.5	1,165	59.5	729
LOUISIANA M	2.6	184	214	410	157.6	160	61.3	250
LOUISIANA W	9.1	482	1,452	1,696	208.1	1,508	165.7	206
MAINE	2.0	167	225	392	196.0	187	93.5	205
MARYLAND	22.6	1,181	1,284	2,643	109.0	969	42.8	1,494
MASSACHUSETTS	24.0	1,324	1,173	2,499	104.1	1,035	43.9	1,444
MICHIGAN E	27.0	2,006	2,436	4,462	139.7	2,265	81.4	2,179
MICHIGAN M	4.0	440	576	1,056	264.0	477	119.2	579
MINNESOTA	10.5	635	809	1,488	141.7	743	70.7	745
MISSISSIPPI N	5.0	153	253	410	78.6	231	45.2	159
MISSISSIPPI S	6.0	511	903	816	136.0	499	81.5	317
MISSOURI E	17.4	495	923	1,340	76.1	844	48.3	516
MISSOURI W	14.6	1,102	2,159	5,245	221.9	2,211	151.4	1,050
MONTANA	3.2	205	344	349	109.5	340	85.5	209
NEBRASKA	6.7	593	458	771	115.0	410	61.1	361
NEVADA	7.5	234	440	706	94.1	345	51.0	325
NEW HAMPSHIRE	2.0	82	156	258	129.0	129	64.5	109
NEW JERSEY	58.7	2,074	1,811	3,883	66.1	1,726	29.4	2,139
NEW MEXICO	11.0	465	548	991	90.0	501	45.5	490
NEW YORK N	8.1	66	960	1,782	134.6	489	52.5	765
NEW YORK E	53.7	5,614	2,722	6,536	117.9	2,142	39.8	4,194
NEW YORK S	98.8	4,301	2,458	7,041	71.8	2,151	21.9	4,890
NEW YORK W	9.9	913	693	1,606	162.2	648	64.6	966
N CAROLINA E	6.6	268	540	808	118.8	478	70.4	329
N CAROLINA M	5.6	238	566	804	225.1	493	157.5	309
N CAROLINA W	5.0	257	840	677	278.6	459	153.0	218
NORTH DAKOTA	5.5	57	226	325	98.2	211	60.2	112
OHIO N	19.3	1,854	2,208	4,082	207.2	1,957	100.5	2,083
OHIO S	14.0	1,134	1,957	5,091	228.7	1,644	117.4	1,847
OKLAHOMA N	5.0	233	470	763	152.6	557	71.4	406
OKLAHOMA E	5.0	145	344	589	178.6	241	80.5	148
OKLAHOMA M	7.7	624	861	1,487	193.1	682	109.3	665
OREGON	14.6	588	745	1,553	91.5	640	43.8	693
PENNSYLVANIA E	56.3	1,378	1,961	3,519	91.4	1,666	45.9	1,633
PENNSYLVANIA M	8.4	660	1,233	2,095	249.1	934	113.1	1,145
PENNSYLVANIA W	14.3	726	1,571	1,957	125.6	1,018	71.1	779
PUERTO RICO	6.0	1,850	685	1,735	288.8	681	113.3	1,052
RHODE ISLAND	3.0	211	221	452	86.4	179	59.8	235
S CAROLINA	13.7	1,199	1,764	2,963	216.2	1,700	124.0	1,263
S DAKOTA	4.0	593	687	840	168.0	642	80.5	558
TENNESSEE E	5.1	244	388	632	167.0	557	103.2	315
TENNESSEE M	7.0	526	391	917	131.0	653	90.4	264
TENNESSEE W	9.9	301	400	701	70.8	376	37.9	323
TEXAS N	25.1	899	1,638	2,512	100.0	1,233	34.5	1,017
TEXAS E	7.0	501	454	795	107.6	348	49.7	447
TEXAS S	20.6	1,463	2,080	3,345	125.7	1,934	67.8	1,609
TEXAS W	10.8	910	1,366	2,276	126.4	1,601	77.0	675
UTAH	5.2	288	538	730	161.9	377	72.3	361
VERMONT	3.2	264	239	483	131.3	246	77.3	237
VIRGINIA E	21.2	852	1,916	2,766	150.3	1,359	84.4	969
VIRGINIA W	5.7	600	1,956	1,956	528.6	780	218.6	1,176
WASHINGTON E	5.0	525	559	684	134.8	183	77.0	789
WASHINGTON W	10.5	881	1,784	2,115	116.6	1,190	65.0	963
WEST VIRGINIA N	2.0	135	275	446	234.0	165	92.5	285
WEST VIRGINIA S	6.0	991	1,444	2,493	489.1	600	100.0	1,633
WISCONSIN E	9.3	308	844	1,232	132.4	478	51.5	795
WISCONSIN W	4.0	373	570	963	295.7	341	90.2	582
WYOMING	2.2	98	199	297	135.0	200	90.9	97
CANAL ZONE	1.0	25	362	387	219.0	376	210.0	9
GUAM	1.0	34	64	100	100.0	58	58.0	42
VIRGIN ISLANDS	5.5	232	491	725	219.0	487	141.3	236
TOTALS	1345.1	71,795	95,644	165,597	121.1	82,551	61.5	81,866

1/ 07/01/75 PENDING FIGURES ADJUSTED TO REFLECT CORRECTIONS REPORTED BY UNITED STATES ATTORNEYS OFFICES
2/ INCLUDES 1310 CASES INITIATORY TRANSFERS UNDER RULE 20
3/ INCLUDES 1455 CASES TERMINATED BY TRANSFERS UNDER RULE 20,
AND 2361 CASES OTHERWISE BECAUSE OF SUPERSEDING INDICTMENT OR INFORMATION

TABLE 7.
WORK OF UNITED STATES ATTORNEYS DISCAL YEAR 1976

JUDICIAL DISTRICTS	CIVIL CASES TERMINATED		CRIMINAL CASES TERMINATED 1/		CIVIL CASES	CRIMINAL CASES	CRIMINAL MATTERS	PROCEEDINGS BEFORE	CIVIL MATTERS
	TOTALS	OTHER	TOTALS	OTHER	FILED	FILED 2/	RECEIVED	GRAND JURY	RECEIVED
ALABAMA M	1A	516	39	888	662	422	1,633	467	736
ALABAMA M		132	40	207	123	233	1,096	104	139
ALABAMA S	2	72	34	104	83	101	432	104	117
ALASKA	1	154	5	154	104	140	631	60	165
ARIZONA	5	842	200	1,241	715	1,453	5,437	1,017	757
ARKANSAS E	12	220	88	269	350	290	895	200	379
ARKANSAS W	2	390	18	75	842	88	345	56	843
CALIF N	16	433	70	778	725	758	5,342	340	899
CALIF C	62	1,241	211	2,107	1,562	2,181	7,298	1,482	2,024
CALIF E	10	372	46	1,152	488	1,087	2,845	460	556
CALIF S	69	230	190	1,615	343	1,818	23,881	988	458
COLORADO	51	288	84	328	842	348	2,075	117	592
CONNECTICUT	10	428	21	285	458	578	1,944	221	645
DELAWARE	5	159	7	161	176	184	844	96	176
DIST OF COLUMBIA	42	820	138	1,641	1,215	1,751	3,373	631	1,299
FLORIDA N	8	242	35	284	385	255	961	152	346
FLORIDA M	13	888	65	955	1,023	884	3,582	340	1,138
FLORIDA S	37	758	131	767	1,111	954	3,732	843	1,382
GEORGIA N	16	393	92	499	734	598	3,816	341	793
GEORGIA M	18	322	27	256	330	219	999	152	364
GEORGIA S	8	118	180	1,125	178	1,288	2,178	178	298
HAWAII	7	91	16	142	182	162	918	87	181
IDAHO	2	122	17	112	182	121	681	75	205
ILLINOIS N	7	878	88	284	1,771	733	2,154	516	1,894
ILLINOIS C	2	518	29	134	327	183	918	137	339
ILLINOIS S	2	180	22	129	298	116	847	32	268
INDIANA N	4	209	78	418	276	428	1,184	242	293
INDIANA S	2	948	18	215	952	242	1,128	181	583
IOWA N	1	108	8	93	116	181	938	51	148
IOWA S	3	132	27	139	188	165	681	184	219
KANSAS	7	639	49	414	693	843	1,843	238	788
KENTUCKY E	1	374	87	349	1,971	345	946	255	2,617
KENTUCKY W	2	312	26	384	472	418	1,884	258	542
LOUISIANA E	1A	483	87	698	579	781	1,431	358	618
LOUISIANA M	2	186	18	42	144	78	278	45	154
LOUISIANA W	2E	423	71	793	986	946	1,846	148	544
MAINE	8	75	8	96	155	88	725	55	144
MARYLAND	16	254	57	862	636	468	2,638	469	814
MASSACHUSETTS	13	426	134	900	621	534	2,223	297	641
MICHIGAN E	18	651	148	1,462	983	1,583	4,426	811	947
MICHIGAN W	2	117	17	281	274	382	988	188	298
MINNESOTA	6	484	63	298	482	317	1,358	184	571
MISSISSIPPI N	3	118	33	98	155	122	681	58	183
MISSISSIPPI S	16	386	17	158	157	188	1,886	78	541
MISSOURI E	13	356	65	432	428	487	2,823	385	886
MISSOURI W	12	1,818	191	1,829	1,872	1,887	3,433	398	1,189
MONTANA	7	116	14	281	134	218	823	77	148
NEBRASKA	8	242	22	138	295	143	884	94	339
NEVADA	3	88	81	251	131	389	1,234	185	133
NEW HAMPSHIRE	1	78	8	98	111	45	288	51	123
NEW JERSEY	4	1,851	84	1,187	1,283	1,528	2,831	212	1,142
NEW MEXICO	3	157	35	388	298	318	1,815	187	526
NEW YORK N	3	348	13	133	428	157	1,578	83	468
NEW YORK S	1A	1,848	187	973	1,684	1,112	5,888	467	1,734
NEW YORK E	8A	859	135	1,873	1,225	1,417	2,775	894	1,184
NEW YORK W	1	395	25	222	455	218	1,831	145	358
N CAROLINA E	21	138	47	273	252	288	1,168	186	248
N CAROLINA M	2	198	61	322	196	318	961	268	199
N CAROLINA W	4	129	44	284	158	282	1,181	189	177
NORTH DAKOTA	3	183	15	98	124	182	885	45	156
OHIO N	5	1,125	48	779	1,487	881	2,946	518	1,389
OHIO S	8	1,218	36	385	1,951	426	1,957	188	1,368
OKLAHOMA N	5	191	18	143	307	163	599	118	328
OKLAHOMA E	18	161	21	48	169	72	452	45	169
OKLAHOMA W	7	528	35	291	537	384	1,715	181	574
OREGON	45	314	35	248	481	284	1,118	158	483
PENNSYLVANIA E	23	174	182	767	1,878	842	5,314	846	1,178
PENNSYLVANIA M	2	728	29	188	1,883	238	974	178	1,852
PENNSYLVANIA W	18	536	81	381	646	425	1,471	258	762
PUERTO RICO	18	334	29	294	425	258	936	163	425
RHODE ISLAND	4	59	12	184	184	115	587	69	128
S CAROLINA	8	1,173	91	628	1,276	648	1,851	324	1,518
S DAKOTA		46	41	357	133	352	1,888	218	141
TENNESSEE E	11	388	49	188	385	283	1,228	133	462
TENNESSEE M	18	238	84	325	294	345	1,115	139	298
TENNESSEE W	28	125	35	198	183	217	767	152	228
TEXAS N	21	483	75	616	711	757	4,568	476	839
TEXAS E	6	156	16	178	271	177	188	96	547
TEXAS S	16	966	288	1,146	891	1,428	3,418	853	1,888
TEXAS W	32	388	88	988	515	831	2,758	463	983
UTAH	8	185	48	144	265	193	882	18	285
VERMONT	1	154	6	87	148	91	214	58	181
VIRGINIA E	38	354	215	894	184	1,132	3,278	618	885
VIRGINIA W	1	529	15	241	1,184	252	821	199	1,182
WASHINGTON E	6	282	29	148	281	158	618	181	236
WASHINGTON W	28	425	88	458	317	557	1,746	265	814
WEST VIRGINIA N	1	184	5	77	198	17	382	51	269
WEST VIRGINIA S	6	327	22	265	1,225	218	842	151	1,539
WISCONSIN E	2	282	29	118	475	148	983	188	528
WISCONSIN W		247	12	182	447	185	315	61	488
WYOMING	17	12	18	181	92	197	579	8	184
CANAL ZONE	5	7	51	185	3	539	423		5
GUAM		28	3	27	35	29	185	23	56
VIRGIN ISLANDS	1	48	88	335	38	461	586	2	33
TOTALS	1,875	22,588	5,337	48,351	49,472	46,172	171,518	25,755	59,818

1/ INCLUDES 1858 CASES TERMINATED BY TRANSFER UNDER RULE 20 AND 2363 CASES DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS.
2/ INCLUDES 1734 CASES INITIATED BY TRANSFER UNDER RULE 20.

TABLE B

UNITED STATES CASES FILED IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS
(FISCAL YEAR 1975 COMPARED WITH FISCAL YEAR 1976)

JUDICIAL DISTRICT	CRIMINAL 1/ 1975	1976		PER CENT OF CHANGE	CIVIL 1975	1976		PER CENT OF CHANGE	TOTAL 1/ 1975	1976		PER CENT OF CHANGE
ALABAMA N	536	622	UP	15.86	915	662	UP	29.04	1,052	1,284	UP	22.05
ALABAMA M	262	233	DOWN	29.21	121	125	UP	1.65	413	336	DOWN	13.81
ALABAMA S	165	181	UP	6.66	136	85	DOWN	57.20	274	266	DOWN	5.58
ALASKA	330	140	DOWN	57.5A	112	146	UP	30.35	442	284	DOWN	55.50
ARIZONA	1,959	1,455	DOWN	5.36	967	715	UP	14.76	2,146	2,168	UP	1.46
ARKANSAS E	363	268	DOWN	17.91	296	356	UP	40.25	616	697	UP	6.15
ARKANSAS W	114	86	DOWN	21.63	197	665	UP	134.51	311	951	UP	77.17
CALIF E	1,016	758	DOWN	25.40	696	758	UP	3.44	1,712	1,478	DOWN	15.67
CALIF C	5,079	2,191	LP	5.38	1,487	1,462	UP	5.04	3,566	3,753	UP	5.24
CALIF E	1,165	1,097	DOWN	5.84	446	466	UP	8.60	1,614	1,584	DOWN	1.74
CALIF S	2,796	1,818	DOWN	34.38	505	545	UP	12.45	5,063	2,153	DOWN	29.71
COLORADO	471	568	DOWN	21.87	476	462	DOWN	2.95	947	830	DOWN	12.96
CONNECTICUT	420	374	DOWN	10.66	568	616	UP	51.83	628	991	UP	7.08
DEL AWARE	107	104	DOWN	11.23	130	176	UP	27.55	525	442	UP	5.25
DIST OF COLUMBIA	1,681	1,751	UP	4.14	752	1,215	UP	61.36	5,435	2,966	UP	21.60
FLORIDA M	220	253	UP	6.81	295	305	UP	16.82	475	538	UP	15.26
FLORIDA N	467	404	DOWN	15.35	880	1,053	UP	16.55	1,573	1,627	UP	5.17
FLORIDA S	926	954	UP	5.45	865	1,111	UP	28.71	1,762	2,065	UP	15.25
GEORGIA M	590	590		0.00	692	734	UP	6.06	1,282	1,324	UP	3.27
GEORGIA N	525	276	LP	25.11	517	550	UP	55.07	440	609	UP	58.40
GEORGIA S	585	1,206	UP	120.96	121	178	UP	47.10	783	1,464	UP	106.25
HAWAII	156	162	UP	1.88	141	182	UP	29.07	308	344	UP	16.66
IDAHO	134	121	DOWN	6.71	180	182	UP	11.75	294	303	UP	6.06
ILLINOIS N	920	733	DOWN	20.53	1,250	1,777	UP	57.75	2,518	2,910	UP	15.57
ILLINOIS E	166	165	LP	14.20	538	327	DOWN	8.66	557	520	DOWN	1.53
ILLINOIS S	202	116	DOWN	42.38	546	256	DOWN	5.85	466	395	DOWN	20.76
INDIANA N	525	400	DOWN	23.95	290	276	UP	10.48	375	676	DOWN	12.95
INDIANA S	516	262	LP	12.03	498	552	UP	10.84	714	794	UP	11.28
IOWA N	126	101	DOWN	21.10	141	116	DOWN	17.74	269	517	DOWN	16.54
IOWA S	175	163	DOWN	6.86	178	188	UP	5.61	333	351	DOWN	0.57
KANSAS	462	483	UP	4.34	702	695	DOWN	1.29	1,164	1,178	UP	1.05
KENTUCKY E	793	693	DOWN	12.52	1,767	1,971	UP	55.36	1,660	5,916	UP	39.91
KENTUCKY W	417	410	DOWN	4.35	416	472	UP	13.46	855	890	UP	4.55
LOUISIANA E	664	701	UP	5.57	606	576	DOWN	4.46	1,270	1,280	UP	0.78
LOUISIANA M	115	70	DOWN	98.06	142	144	UP	1.40	255	214	DOWN	16.08
LOUISIANA W	442	466	UP	110.02	434	566	UP	22.52	846	1,495		69.62
MAINE	87	90	UP	3.44	99	155	UP	56.56	186	225	UP	20.96
MARYLAND	651	848	DOWN	27.48	572	816	UP	7.66	1,453	1,284	DOWN	16.80
MASSACHUSETTS	617	354	DOWN	10.22	544	621	UP	14.19	1,161	1,173	UP	1.20
MICHIGAN E	1,760	1,555	DOWN	12.60	717	905	UP	25.66	2,477	2,496	DOWN	11.66
MICHIGAN W	285	502	LP	6.71	226	274	UP	21.23	509	576	UP	15.16
MINNESOTA	551	517	DOWN	6.66	497	462	DOWN	1.01	848	809	DOWN	4.60
MISSISSIPPI N	172	102	DOWN	40.70	129	193	UP	24.39	299	293	DOWN	19.56
MISSISSIPPI S	171	148	DOWN	1.76	243	333	UP	38.48	414	505	UP	21.98
MISSOURI E	475	497	UP	14.55	342	428	UP	25.14	377	625	UP	16.04
MISSOURI W	1,569	1,067	DOWN	22.06	1,146	1,072	DOWN	6.45	2,517	5,139	DOWN	15.05
MONTANA	166	510	UP	54.56	114	134	UP	17.54	285	344	UP	51.95
NEBRASKA	516	145	DOWN	54.71	258	295	UP	23.64	457	438	DOWN	14.16
NEVADA	290	506	LP	6.55	94	131	UP	56.56	384	440	UP	14.56
NEW HAMPSHIRE	64	45	DOWN	59.46	65	111	UP	70.76	129	146	UP	20.63
NEW JERSEY	636	358	DOWN	16.99	1,547	1,285	UP	2.88	1,883	1,611	DOWN	5.83
NEW MEXICO	429	318	DOWN	29.88	252	238	DOWN	8.74	681	546	DOWN	15.94
NEW YORK N	151	157	UP	5.41	425	423	UP	0.94	378	586	UP	1.58
NEW YORK E	1,010	1,115	UP	10.19	1,356	1,606	UP	18.83	5,564	2,722	UP	15.14
NEW YORK S	1,233	1,427	UP	13.73	1,530	1,225	DOWN	2.16	5,487	2,690	UP	6.72
NEW YORK W	323	534	DOWN	24.15	426	433	DOWN	8.52	776	697	DOWN	11.04
N CAROLINA E	328	288	DOWN	12.50	167	252	UP	27.91	555	548	UP	2.05
N CAROLINA M	450	570	DOWN	17.4A	154	164	UP	27.27	584	566	DOWN	3.09
N CAROLINA W	155	582	DOWN	20.12	144	198	UP	5.72	467	440	DOWN	11.47
NORTH DAKOTA	104	102	DOWN	1.45	68	124	UP	26.55	282	226	UP	11.88
OHIO N	863	801	DOWN	10.31	1,150	1,407	UP	22.34	2,045	2,208	UP	8.07
OHIO S	415	456	UP	2.65	1,167	1,351	UP	27.60	1,612	1,953	UP	21.40
OKLAHOMA N	194	188	LP	2.91	267	307	UP	3.36	436	478	UP	3.07
OKLAHOMA E	78	79	DOWN	5.89	142	165	UP	16.81	220	244	UP	10.40
OKLAHOMA W	583	506	LP	8.12	630	557	DOWN	11.56	615	645	DOWN	5.48
OREGON	516	284	DOWN	10.15	584	461	UP	17.00	710	745	UP	4.55
PENNSYLVANIA E	654	862	DOWN	6.71	865	1,076	UP	25.02	1,747	1,941	UP	8.61
PENNSYLVANIA M	203	230	LP	16.80	866	1,004	UP	15.35	1,071	1,235	UP	13.12
PENNSYLVANIA W	423	423		0.00	538	644	UP	20.07	625	1,071	UP	11.51
PUERTO RICO	268	258	DOWN	3.74	226	425	UP	86.05	454	685	UP	58.25
RHODE ISLAND	135	115	DOWN	25.81	102	106	UP	5.62	257	251	DOWN	14.01
S CAROLINA	615	448	DOWN	20.40	1,264	1,578	UP	3.57	1,857	1,764	DOWN	5.01
S DAKOTA	344	352	LP	1.75	121	135	UP	11.57	447	487	UP	4.28
TENNESSEE E	229	507	DOWN	11.46	277	385	UP	54.98	506	588	UP	16.20
TENNESSEE M	957	545	DOWN	3.37	179	244	UP	57.45	536	591	UP	10.26
TENNESSEE W	244	217	DOWN	51.79	125	183	UP	46.78	546	600	UP	3.40
TEXAS N	337	737		0.00	604	711	UP	17.71	1,341	1,448	UP	7.97
TEXAS E	189	177	DOWN	6.35	180	573	UP	59.68	346	484	UP	23.05
TEXAS S	1,108	1,429	UP	26.67	660	691	DOWN	1.57	1,768	5,080	UP	17.64
TEXAS W	1,226	851	DOWN	30.48	363	515	UP	41.87	1,587	1,366	DOWN	13.63
UTAH	155	165	LP	26.14	202	265	UP	31.18	557	458	UP	29.01
VERMONT	115	91	DOWN	18.75	145	142	DOWN	10.31	277	274	DOWN	13.72
VIRGINIA E	1,167	1,152	DOWN	5.76	563	764	UP	15.22	1,762	1,916	UP	8.74
VIRGINIA W	303	252	DOWN	16.84	556	1,104	UP	67.66	862	1,556	UP	57.58
WASHINGTON E	519	198	DOWN	26.55	146	201	UP	2.55	411	559	DOWN	12.66
WASHINGTON W	652	557	DOWN	17.64	678	317	UP	5.75	1,570	1,584	DOWN	5.72
WEST VIRGINIA N	72	77	UP	6.94	157	166	UP	24.84	229	275	UP	16.21
WEST VIRGINIA S	576	296	DOWN	12.78	328	1,555	UP	68.26	1,005	1,444	UP	44.10
WISCONSIN E	300	146	DOWN	43.67	514	475	UP	51.27	614	644	UP	4.88
WISCONSIN W	181	185	UP	1.98	275	467	UP	66.81	376	570	UP	51.56
WYOMING	126	107	DOWN	15.08	63	62	DOWN	1.08	216	199	DOWN	6.14
CANAL ZONE	470	396	DOWN	21.62	6	9	DOWN	50.00	476	362	DOWN	23.65
GUAM	80	29	DOWN	9.54	50	35	DOWN	30.00	80	64	DOWN	20.00
VIRGIN ISLANDS	574	461	UP	23.26	38	50	DOWN	21.06	412	491	UP	16.17
TOTALS	46,991	44,172	DOWN	5.65	41,341	46,472	UP	15.66	88,262	63,644	UP	6.06

1/ INCLUDES CASES INSTITUTED BY TRANSFER UNDER RULE 20.

TABLE 4

UNITED STATES CASES TERMINATED IN U.S. DISTRICT AND APPELLATE COURTS AND 37675 COURTS
(FISCAL YEAR 1975 COMPARED WITH FISCAL YEAR 1976)

JUDICIAL DISTRICTS	CRIMINAL 1/ 1975	1976		PER CENT OF CHANGE	CIVIL 1975	1976		PER CENT OF CHANGE	TOTAL 1/ 1975	1976		PER CENT OF CHANGE
ALABAMA N	483	619	UP	28.15	944	528	UP	52.80	829	1,147	UP	38.35
ALABAMA M	281	247	DOWN	12.10	97	132	UP	36.08	378	379	UP	0.26
ALABAMA S	149	190	UP	24.19	115	75	DOWN	34.78	264	265	DOWN	1.95
ALASKA	276	161	DOWN	41.25	141	155	UP	9.92	415	516	DOWN	23.86
ARIZONA	1,422	1,441	UP	1.33	508	667	UP	31.29	1,930	2,108	UP	9.22
ARKANSAS E	329	353	UP	10.31	269	232	DOWN	13.76	529	585	DOWN	0.68
ARKANSAS W	103	44	DOWN	8.74	196	400	UP	104.41	299	444	UP	48.79
CALIF N	1,018	868	DOWN	14.78	613	649	DOWN	25.76	1,653	1,317	DOWN	19.58
CALIF C	1,819	2,316	UP	27.43	1,598	1,309	DOWN	6.37	3,217	3,627	UP	12.74
CALIF E	1,151	1,196	UP	3.90	284	362	UP	84.50	1,435	1,578	UP	9.96
CALIF S	2,769	2,005	DOWN	27.49	293	399	UP	16.18	3,816	2,584	DOWN	89.66
COLORADO	419	394	DOWN	25.94	375	359	DOWN	4.12	988	753	DOWN	29.81
CONNECTICUT	583	416	UP	8.61	499	438	DOWN	8.32	842	844	UP	0.47
DELAWARE	185	146	DOWN	9.19	98	138	UP	48.81	183	284	UP	8.12
DIST OF COLUMBIA	1,116	1,774	UP	5.37	687	862	UP	42.00	2,323	2,636	UP	13.47
FLORIDA N	136	239	UP	2.13	229	268	UP	8.29	463	487	UP	3.18
FLORIDA M	749	698	DOWN	19.98	651	898	UP	36.71	1,488	1,498	UP	6.42
FLORIDA S	778	898	UP	16.62	574	787	UP	37.10	1,344	1,685	UP	65.97
GEORGIA N	632	591	DOWN	6.49	549	519	DOWN	5.47	1,181	1,110	DOWN	6.02
GEORGIA M	291	283	UP	12.76	192	332	UP	72.91	483	615	UP	36.02
GEORGIA S	569	1,305	UP	129.16	98	118	UP	20.98	667	1,423	UP	115.34
HAWAII	192	178	UP	17.18	95	98	UP	3.15	287	276	UP	11.39
IDAHO	129	132	UP	2.32	127	127		0.00	256	259	UP	1.13
ILLINOIS N	992	666	DOWN	32.87	965	883	DOWN	8.50	1,957	1,551	DOWN	20.73
ILLINOIS E	196	188	DOWN	6.64	210	321	UP	32.83	406	504	UP	24.13
ILLINOIS S	218	151	DOWN	30.74	214	182	DOWN	16.52	436	333	DOWN	23.65
INDIANA N	464	488	UP	5.17	252	213	DOWN	15.48	716	701	DOWN	2.10
INDIANA S	277	174	DOWN	15.06	536	564	UP	53.08	839	783	UP	23.69
IOWA N	123	98	DOWN	20.33	112	109	DOWN	2.68	233	207	DOWN	11.98
IOWA S	195	176	DOWN	9.75	167	157	DOWN	5.99	362	333	DOWN	8.02
KANSAS	499	499	DOWN	6.16	701	644	DOWN	7.83	1,190	1,103	DOWN	7.13
KENTUCKY E	333	436	UP	309.33	396	575	DOWN	3.53	929	1,011	UP	8.82
KENTUCKY W	453	410	DOWN	9.50	197	374	UP	29.84	650	784	UP	20.61
LOUISIANA E	629	744	UP	18.48	580	417	DOWN	28.11	1,229	1,165	DOWN	3.61
LOUISIANA W	78	52	DOWN	33.34	93	108	UP	13.68	178	160	DOWN	2.38
LOUISIANA M	428	864	UP	101.86	357	444	UP	24.36	785	1,308	UP	66.62
MAINE	74	104	UP	44.34	57	45	UP	43.61	131	187	UP	42.79
MARYLAND	789	619	DOWN	21.55	405	390	DOWN	13.59	1,194	969	DOWN	18.03
MASSACHUSETTS	663	616	UP	53.84	595	634	UP	11.13	1,258	1,250	UP	22.90
MICHIGAN E	1,674	1,622	DOWN	15.45	581	641	UP	38.32	2,455	2,263	DOWN	7.83
MICHIGAN W	273	298	UP	9.15	199	179	UP	52.59	488	477	UP	16.91
MINNESOTA	744	375	DOWN	44.51	575	418	UP	9.53	739	743	UP	0.56
MISSISSIPPI N	161	129	DOWN	5.92	128	121	DOWN	4.69	289	251	DOWN	4.70
MISSISSIPPI S	163	147	UP	2.45	242	322	UP	33.05	405	469	UP	20.74
MISSOURI E	466	495	UP	8.21	390	349	DOWN	10.52	856	844	DOWN	1.41
MISSOURI W	1,476	1,180	DOWN	29.86	1,146	1,031	DOWN	11.73	2,644	2,211	DOWN	16.58
MONTANA	171	217	UP	26.90	101	125	UP	27.18	272	342	UP	25.80
NEBRASKA	229	198	DOWN	50.16	273	250	UP	7.29	462	410	DOWN	11.26
NEVADA	292	292		0.00	84	91	UP	8.33	376	383	UP	1.86
NEW HAMPSHIRE	58	38		8.88	62	71	UP	14.51	120	129	UP	1.50
NEW JERSEY	701	671	DOWN	4.28	1,027	1,053	UP	2.72	1,728	1,724	DOWN	0.12
NEW MEXICO	430	341	DOWN	20.70	286	160	DOWN	22.34	636	501	DOWN	21.25
NEW YORK N	191	146	DOWN	25.37	431	343	DOWN	20.42	622	449	DOWN	21.99
NEW YORK E	1,074	1,090	UP	0.55	999	1,062	UP	6.38	2,073	2,162	UP	5.32
NEW YORK S	1,022	1,228	UP	20.15	932	923	DOWN	0.12	1,954	2,151	UP	10.08
NEW YORK W	559	246	DOWN	27.44	461	394	DOWN	14.54	800	640	DOWN	20.00
N CAROLINA E	348	520	DOWN	8.05	188	156	DOWN	15.43	536	479	DOWN	10.64
N CAROLINA M	429	365	DOWN	15.39	109	172	UP	21.10	538	495	DOWN	8.00
N CAROLINA W	561	330	DOWN	5.84	120	129	UP	7.50	682	459	DOWN	4.78
NORTH DAKOTA	139	105	DOWN	24.47	115	106	DOWN	6.20	232	211	DOWN	16.27
OHIO N	844	827	DOWN	4.31	1,000	1,130	UP	13.00	1,844	1,957	UP	4.87
OHIO S	412	421	UP	2.18	960	1,223	UP	27.39	1,372	1,644	UP	19.82
OKLAHOMA N	150	149	UP	8.66	279	194	DOWN	30.47	429	357	DOWN	16.79
OKLAHOMA E	87	70	DOWN	19.55	102	171	UP	67.64	189	241	UP	27.51
OKLAHOMA W	509	304	DOWN	0.98	501	536	UP	6.98	810	842	UP	3.95
OREGON	308	183	DOWN	7.51	349	357	UP	11.81	625	640	UP	2.48
PENNSYLVANIA E	849	849		0.00	787	847	UP	12.72	1,576	1,666	UP	5.71
PENNSYLVANIA M	264	228	DOWN	10.57	493	738	UP	48.07	739	950	UP	64.39
PENNSYLVANIA W	408	471	UP	15.68	377	546	UP	64.41	785	1,019	UP	29.68
PUERTO RICO	297	317	UP	29.76	148	364	UP	154.54	490	681	UP	70.29
RHODE ISLAND	155	116	DOWN	18.79	97	63	DOWN	39.46	238	179	DOWN	22.18
S CAROLINA	439	519	UP	8.75	1,093	1,181	UP	8.05	1,572	1,708	UP	8.16
S DAKOTA	480	598	DOWN	0.58	78	84	UP	7.69	478	662	UP	0.83
TENNESSEE E	282	118	DOWN	22.70	190	324	UP	67.89	472	537	UP	13.77
TENNESSEE M	324	545	UP	68.20	130	246	UP	96.78	454	693	UP	39.42
TENNESSEE W	278	225	DOWN	19.07	129	151	UP	17.05	407	376	DOWN	7.62
TEXAS N	715	751	UP	5.47	597	504	DOWN	13.58	1,312	1,255	DOWN	4.35
TEXAS E	215	186	DOWN	15.49	199	161	DOWN	14.29	404	344	DOWN	13.67
TEXAS S	1,147	1,771	UP	15.58	625	582	DOWN	6.88	1,812	1,956	UP	7.95
TEXAS W	1,164	980	DOWN	17.51	367	421	UP	14.71	1,555	1,461	DOWN	9.91
UTAH	129	184	UP	42.63	156	193	UP	23.71	285	377	UP	32.28
VERMONT	131	93	DOWN	29.01	156	195	DOWN	0.65	287	288	DOWN	19.59
VIRGINIA E	1,239	1,205	DOWN	1.65	445	590	UP	32.58	1,674	1,795	UP	7.46
VIRGINIA W	298	296	DOWN	14.77	267	326	UP	97.00	565	780	UP	38.05
WASHINGTON E	195	177	DOWN	8.30	229	208	DOWN	8.44	402	385	DOWN	4.23
WASHINGTON W	409	545	DOWN	9.62	578	645	UP	11.59	1,181	1,190	UP	0.76
WEST VIRGINIA N	77	90	UP	3.89	88	105	UP	19.51	165	195	UP	18.12
WEST VIRGINIA S	162	167	UP	10.33	170	533	UP	23.53	312	600	UP	17.10
WISCONSIN E	520	195	DOWN	64.53	220	206	UP	29.09	948	439	DOWN	12.60
WISCONSIN W	147	116	DOWN	21.45	198	247	UP	29.76	345	361	UP	4.63
WYOMING	108	111	UP	2.77	46	89	UP	54.84	134	208	UP	14.94
CANAL ZONE	442	386	DOWN	29.61	7	12	UP	31.42	499	378	DOWN	24.25
GUAM	28	30	UP	7.14	44	18	DOWN	58.33	72	58	DOWN	19.45
VIRGIN ISLANDS	442	418	DOWN	5.43	11	49	UP	345.49	455	647	UP	5.09
TOTALS	64,461	65,668	DOWN	1.72	55,075	36,465	UP	10.85	79,540	82,351	UP	5.50

1/ INCLUDES CASES TERMINATED BY TRANSFER UNDER RULE 20 AND CASES DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS

TABLE 10
UNITED STATES CASES PENDING IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS
(FISCAL YEAR 1975 COMPARED WITH FISCAL YEAR 1974)

JUDICIAL DISTRICTS	CRIMINAL 1975 [1]	CRIMINAL 1974	CRIMINAL PER CENT OF CHANGE		CIVIL 1975 [1]	CIVIL 1974	CIVIL PER CENT OF CHANGE		TOTAL 1975 [1]	TOTAL 1974	TOTAL PER CENT OF CHANGE	
ALABAMA N	177	150	UP	1.40	405	529	UP	30.60	582	719	UP	23.53
ALABAMA M	40	35	DOWN	28.58	75	66	DOWN	12.00	124	101	DOWN	18.35
ALABAMA S	62	66	UP	1.61	63	73	UP	12.30	127	136	UP	7.00
ALASKA	137	120	DOWN	15.250	213	206	DOWN	4.10	372	342	DOWN	8.07
ARIZONA	1,156	1,160	UP	1.05	520	620	UP	0.50	1,716	1,774	UP	4.50
ARKANSAS E	136	101	DOWN	55.26	241	366	UP	52.49	397	453	UP	15.15
ARKANSAS N	45	20	DOWN	13.16	217	279	UP	28.57	250	307	UP	22.80
CALIF N	836	976	DOWN	33.32	1,017	1,208	UP	24.68	1,804	1,884	UP	9.36
CALIF C	1,029	1,702	DOWN	6.95	1,327	1,560	UP	19.66	3,154	4,262	UP	5.99
CALIF E	665	466	DOWN	21.39	644	731	UP	16.01	1,107	1,113	UP	0.72
CALIF S	1,036	1,661	DOWN	30.51	207	541	UP	14.01	2,134	2,002	DOWN	7.02
COLORADO	212	186	DOWN	15.27	443	560	UP	27.64	657	754	UP	14.76
CONNECTICUT	458	292	DOWN	12.47	461	620	UP	43.05	770	917	UP	19.09
DELAWARE	55	47	DOWN	2.98	142	180	UP	26.76	211	247	UP	17.06
DIST OF COLUMBIA	1,155	1,110	DOWN	2.04	876	1,229	UP	40.29	2,009	2,339	UP	16.42
FLORIDA N	94	90	DOWN	4.26	151	266	UP	56.42	245	356	UP	20.81
FLORIDA M	358	342	UP	1.09	729	662	UP	16.24	1,117	1,234	UP	12.26
FLORIDA S	672	728	UP	0.53	523	1,149	UP	39.27	1,497	1,877	UP	25.38
GEORGIA N	375	378	DOWN	0.27	561	776	UP	38.32	940	1,154	UP	22.76
GEORGIA M	80	71	DOWN	3.00	140	136	DOWN	1.43	210	212	DOWN	3.76
GEORGIA S	89	88	DOWN	19.20	166	166	UP	44.77	233	274	UP	17.59
HAWAII	147	161	DOWN	10.89	203	207	UP	41.47	350	410	UP	19.42
IDAHO	66	95	DOWN	16.67	181	236	UP	30.98	247	291	UP	17.81
ILLINOIS N	716	781	UP	0.55	1,963	2,755	UP	47.07	2,977	3,536	UP	47.21
ILLINOIS E	95	139	UP	10.20	459	463	UP	1.40	557	573	UP	2.87
ILLINOIS S	147	102	DOWN	25.95	202	259	UP	29.21	359	361	UP	6.40
INDIANA N	403	295	DOWN	22.90	311	376	UP	20.25	634	669	DOWN	3.61
INDIANA S	191	195	UP	2.09	529	562	UP	1.33	116	727	UP	1.58
IOWA N	34	52	UP	34.53	101	100	UP	6.93	135	185	UP	16.43
IOWA S	68	56	DOWN	10.53	100	149	UP	26.70	177	195	UP	10.16
KANSAS	153	592	UP	14.20	472	319	UP	9.95	660	711	UP	16.59
KENTUCKY E	268	141	DOWN	29.25	1,358	2,734	UP	102.79	1,590	2,895	UP	82.07
KENTUCKY W	55	96	UP	3.08	578	676	UP	16.93	646	772	UP	19.51
LOUISIANA E	260	219	DOWN	17.91	532	514	UP	46.02	612	729	UP	19.11
LOUISIANA M	62	65	UP	26.06	129	165	UP	27.90	196	250	UP	27.55
LOUISIANA W	100	182	UP	52.00	362	404	UP	10.12	462	586	UP	12.37
MAINE	78	54	DOWN	24.00	97	149	UP	59.60	167	205	UP	22.73
MARYLAND	537	634	UP	0.07	574	840	UP	46.34	1,101	1,436	UP	30.47
MASSACHUSETTS	377	315	DOWN	10.79	747	929	UP	24.36	1,324	1,444	UP	9.36
MICHIGAN E	1,761	1,122	DOWN	7.66	743	1,007	UP	39.16	2,006	2,179	UP	8.62
MICHIGAN W	145	197	UP	2.07	287	382	UP	45.10	480	579	UP	20.62
MINNESOTA	204	188	DOWN	7.85	473	537	UP	17.26	679	745	UP	9.72
MISSISSIPPI N	57	98	DOWN	47.67	98	129	UP	31.68	155	159	UP	2.58
MISSISSIPPI S	52	93	UP	1.05	259	274	UP	3.79	311	327	UP	3.14
MISSOURI E	176	178	UP	1.14	253	330	UP	30.50	429	508	UP	18.42
MISSOURI W	341	220	DOWN	35.14	761	802	UP	5.38	1,102	1,030	DOWN	6.54
MONTANA	85	77	DOWN	0.34	121	132	UP	9.09	209	209	UP	1.55
NEBRASKA	133	116	DOWN	12.79	488	268	UP	22.50	335	541	UP	6.40
NEVADA	139	134	UP	1.25	127	187	UP	31.49	266	321	UP	21.42
NEW HAMPSHIRE	44	31	DOWN	29.35	68	78	UP	105.26	82	109	UP	32.92
NEW JERSEY	712	569	DOWN	20.89	1,562	1,390	UP	15.74	2,074	2,159	UP	4.09
NEW MEXICO	172	143	DOWN	13.68	271	341	UP	25.83	443	490	UP	10.50
NEW YORK N	134	134	UP	7.40	319	435	UP	36.37	464	763	UP	14.56
NEW YORK E	1,131	1,034	UP	3.29	2,613	3,160	UP	20.93	3,614	4,194	UP	16.04
NEW YORK S	1,906	2,135	UP	10.27	2,455	2,753	UP	12.21	4,291	4,890	UP	11.36
NEW YORK W	409	401	DOWN	1.96	504	565	UP	12.10	913	966	UP	5.80
N CAROLINA E	111	79	DOWN	29.84	157	250	UP	59.23	268	329	UP	22.76
N CAROLINA M	91	98	UP	7.69	147	211	UP	43.53	235	309	UP	24.81
N CAROLINA W	115	67	DOWN	41.74	122	151	UP	21.77	237	218	DOWN	0.02
NORTH DAKOTA	43	17	DOWN	7.50	57	75	UP	31.57	97	112	UP	13.46
OHIO N	520	502	DOWN	4.93	1,306	1,333	UP	21.20	1,826	2,003	UP	13.58
OHIO S	146	156	UP	5.73	1,000	1,058	UP	30.60	1,414	1,447	UP	27.60
OKLAHOMA N	57	67		0.00	226	339	UP	50.00	298	406	UP	30.56
OKLAHOMA E	13	20	UP	33.33	130	128	DOWN	1.54	145	148	UP	2.04
OKLAHOMA W	80	80		0.00	326	367	UP	3.99	426	446	UP	3.54
OREGON	166	167	UP	0.53	402	506	UP	23.07	548	693	UP	17.05
PENNSYLVANIA E	503	496	DOWN	1.40	875	1,157	UP	52.22	1,378	1,653	UP	19.95
PENNSYLVANIA M	147	117	UP	9.34	753	1,026	UP	36.25	900	1,143	UP	32.70
PENNSYLVANIA W	500	246	DOWN	13.26	418	510	UP	29.72	726	779	UP	7.30
PUERTO RICO	253	201	DOWN	22.78	790	854	UP	1.72	1,050	1,052	UP	0.19
RHODE ISLAND	44	44	DOWN	1.69	142	185	UP	30.28	211	253	UP	19.40
S CAROLINA	279	240	DOWN	11.12	920	1,013	UP	10.32	1,199	1,203	UP	3.33
S DAKOTA	216	168	DOWN	21.540	159	190	UP	36.69	131	343	UP	1.41
TENNESSEE E	62	47	DOWN	24.20	202	260	UP	52.67	264	315	UP	14.31
TENNESSEE M	122	82	DOWN	32.79	284	282	DOWN	0.99	326	284	DOWN	12.89
TENNESSEE W	173	171	DOWN	4.47	122	134	UP	26.22	301	323	UP	7.97
TEXAS N	266	272	DOWN	4.90	578	785	UP	59.81	844	1,057	UP	25.23
TEXAS E	48	39	DOWN	16.75	256	268	UP	43.43	301	307	UP	35.21
TEXAS S	730	807	UP	7.60	733	802	UP	9.41	1,484	1,609	UP	8.49
TEXAS W	321	392	DOWN	24.77	489	488	UP	24.16	910	875	DOWN	3.85
UTAH	63	92	UP	10.84	197	269	UP	36.54	260	361	UP	28.52
VERMONT	102	100	DOWN	1.97	144	137	DOWN	4.87	244	237	DOWN	5.68
VIRGINIA E	389	332	DOWN	14.64	465	637	UP	37.58	852	969	UP	13.73
VIRGINIA W	20	13	DOWN	10.00	380	1,138	UP	99.83	400	1,174	UP	99.80
WASHINGTON E	113	96	DOWN	16.93	210	203	DOWN	3.34	323	299	DOWN	8.00
WASHINGTON W	180	300	DOWN	2.60	573	645	UP	12.34	581	945	UP	7.26
WEST VIRGINIA N	29	26	DOWN	10.33	166	257	UP	54.81	195	283	UP	43.12
WEST VIRGINIA S	150	151	DOWN	17.62	832	1,724	UP	107.21	982	1,055	UP	87.18
WISCONSIN E	193	154	DOWN	24.25	420	619	UP	44.42	588	773	UP	28.00
WISCONSIN W	21	40	DOWN	15.50	502	522	UP	72.04	573	582	UP	56.03
WYOMING	26	22	DOWN	15.39	72	75	UP	4.16	48	97	DOWN	1.03
CANAL ZONE	12	5	DOWN	38.34	16	4	DOWN	69.24	25	5	DOWN	69.00
GUAM	11	10	DOWN	9.10	25	52	UP	79.00	34	42	UP	18.66
VIRGIN ISLANDS	154	177	UP	32.00	98	79	DOWN	19.39	232	256	UP	10.34
TOTALS	27,690	26,394	DOWN	9.30	43,903	36,712	UP	29.17	71,753	83,046	UP	15.75

[1] 7-1-75 PENDING FIGURES ADJUSTED FOR REFLECT CORRECTIONS REPORTED BY UNITED STATES ATTORNEYS OFFICES

TABLE 11
TRIALS IN UNITED STATES CASES IN U.S. DISTRICT AND STATE COURTS
1975 FISCAL YEAR 1975 COMPARED WITH FISCAL YEAR 1974

JUDICIAL DISTRICTS	CRIMINAL 1975	CRIMINAL 1976	CRIMINAL PER CENT OF CHANGE	CIVIL 1975	CIVIL 1976	CIVIL PER CENT OF CHANGE	TOTAL 1975	TOTAL 1976	TOTAL PER CENT OF CHANGE
ALABAMA N	33	39	DOWN 25.00	5	64	UP 55.55	61	55	DOWN 13.12
ALABAMA M	68	60	DOWN 16.67	0	0	0.00	68	60	DOWN 16.67
ALABAMA S	17	34	UP 100.00	0	0	0.00	17	57	UP 85.00
ALASKA	9	5	DOWN 66.66	2	1	DOWN 50.00	5	6	UP 20.00
ARIZONA	188	200	UP 00.37	4	0	UP 25.00	137	200	UP 49.65
ARKANSAS E	37	66	UP 94.59	7	12	UP 71.42	44	100	UP 84.25
ARKANSAS W	14	19	UP 54.35	1	2	UP 100.00	13	21	UP 61.53
CALIF N	71	70	DOWN 1.41	33	18	DOWN 34.35	104	88	DOWN 16.07
CALIF C	167	211	UP 26.34	72	62	DOWN 13.88	239	273	UP 14.22
CALIF E	52	44	DOWN 15.38	14	10	DOWN 28.56	66	54	DOWN 18.18
CALIF S	282	190	DOWN 18.11	55	69	UP 25.45	287	259	DOWN 9.7N
COLORADO	49	66	DOWN 4.35	55	51	DOWN 1.78	122	117	DOWN 4.10
CONNECTICUT	24	21	DOWN 4.55	17	10	DOWN 41.18	39	31	DOWN 20.51
DELAWARE	12	7	DOWN 04.34	0	9	UP 100.00	12	16	DOWN 33.34
DIST OF COLUMBIA	174	142	DOWN 23.57	0	42	UP 600.00	180	175	DOWN 2.78
FLORIDA N	31	35	UP 04.44	5	8	UP 20.00	26	41	UP 57.69
FLORIDA M	71	65	DOWN 8.48	20	10	DOWN 50.00	91	75	DOWN 17.59
FLORIDA S	102	131	UP 27.18	29	97	UP 37.38	132	168	UP 27.27
GEORGIA N	42	92	UP 19.04	11	14	UP 27.27	56	106	UP 14.09
GEORGIA M	44	27	DOWN 25.00	0	10	UP 36.04	42	37	DOWN 11.91
GEORGIA S	130	100	UP 20.00	0	0	UP 66.00	155	100	UP 21.29
HAWAII	19	16	DOWN 15.75	10	7	DOWN 53.34	34	23	DOWN 32.34
IDAHO	11	17	UP 54.54	12	5	DOWN 58.34	23	22	DOWN 0.38
ILLINOIS N	141	88	DOWN 34.96	17	7	DOWN 30.53	140	97	DOWN 37.80
ILLINOIS E	33	29	DOWN 17.15	5	5	0.00	38	32	DOWN 15.79
ILLINOIS S	21	22	UP 4.78	3	2	DOWN 33.34	24	24	0.00
INDIANA N	62	78	UP 25.80	1	4	UP 300.00	63	82	UP 30.15
INDIANA S	27	19	DOWN 29.63	5	3	DOWN 33.34	32	21	DOWN 34.38
IOWA N	10	5	DOWN 30.00	5	1	DOWN 80.00	15	6	DOWN 60.00
IOWA S	18	37	UP 111.11	0	5	UP 0.00	21	42	UP 100.00
KANSAS	53	43	DOWN 49.79	24	7	DOWN 70.84	107	53	DOWN 31.41
KENTUCKY E	31	97	UP 70.58	11	1	DOWN 90.91	42	98	UP 41.93
KENTUCKY W	33	66	DOWN 25.72	1	2	UP 100.00	34	28	DOWN 22.20
LOUISIANA E	46	87	UP 1.16	10	14	DOWN 6.67	101	101	0.00
LOUISIANA M	12	10	DOWN 16.67	4	2	DOWN 50.00	16	12	DOWN 25.00
LOUISIANA W	30	71	UP 136.66	12	21	UP 75.00	42	92	UP 119.04
MAINE	9	8	N.00	3	0	UP 100.00	11	16	UP 45.44
MARYLAND	87	37	DOWN 54.49	22	16	DOWN 27.27	109	71	DOWN 34.03
MASSACHUSETTS	94	116	UP 30.53	9	15	UP 66.66	98	129	UP 31.63
MICHIGAN E	140	140	UP 7.00	8	10	UP 25.00	138	150	UP 8.69
MICHIGAN W	15	17	UP 13.33	0	2	UP 100.00	15	19	UP 26.66
MINNESOTA	44	43	DOWN 2.21	2	6	UP 200.00	46	49	UP 6.52
MISSISSIPPI N	19	31	UP 73.68	4	0	DOWN 25.00	23	36	UP 56.52
MISSISSIPPI S	14	17	UP 21.42	10	10	UP 40.00	24	33	UP 37.50
MISSOURI E	29	85	UP 0.77	12	15	UP 0.55	71	76	UP 7.04
MISSOURI W	140	151	DOWN 37.09	5	13	UP 160.00	249	163	DOWN 35.47
MONTANA	14	14	0.00	11	7	DOWN 36.37	27	23	DOWN 14.82
NEBRASKA	22	44	N.00	3	8	UP 16.38	29	80	UP 5.48
NEVADA	91	41	UP 32.35	4	5	DOWN 25.00	95	44	UP 25.71
NEW HAMPSHIRE	4	8	UP 100.00	7	1	DOWN 85.72	11	9	DOWN 18.19
NEW JERSEY	60	64	UP 23.32	5	4	DOWN 58.00	75	68	UP 19.78
NEW MEXICO	30	33	UP 10.00	0	5	DOWN 42.50	30	38	DOWN 5.27
NEW YORK N	14	13	UP 0.55	5	5	DOWN 40.00	17	18	DOWN 5.89
NEW YORK S	97	107	UP 10.30	12	18	UP 33.33	108	125	UP 12.06
NEW YORK E	126	155	UP 23.01	40	84	UP 33.33	176	219	UP 25.00
NEW YORK W	54	23	DOWN 36.12	0	1	UP 100.00	34	24	DOWN 33.34
N CAROLINA E	44	47	UP 47.42	15	21	UP 00.00	48	68	UP 41.66
N CAROLINA M	44	43	DOWN 2.24	5	2	DOWN 80.00	49	43	DOWN 57.69
N CAROLINA W	51	44	DOWN 13.21	1	4	UP 500.00	54	50	DOWN 7.41
NORTH DAKOTA	31	13	DOWN 51.62	10	3	DOWN 70.00	41	18	DOWN 56.10
OHIO N	32	46	DOWN 7.70	18	5	DOWN 53.34	44	53	DOWN 17.09
OHIO S	39	34	DOWN 7.70	0	5	DOWN 14.67	45	41	DOWN 8.89
OKLAHOMA N	13	18	UP 50.48	0	5	UP 100.00	13	21	UP 61.53
OKLAHOMA E	44	41	DOWN 6.39	10	10	0.00	53	51	DOWN 3.10
OKLAHOMA W	41	55	UP 34.14	11	7	DOWN 34.57	53	62	UP 19.25
OREGON	34	93	DOWN 2.78	59	43	DOWN 27.12	99	73	DOWN 17.90
PENNSYLVANIA E	84	102	UP 0.97	22	23	UP 4.54	115	135	UP 0.69
PENNSYLVANIA M	78	31	DOWN 5.05	2	2	0.00	28	27	DOWN 3.58
PENNSYLVANIA W	48	21	UP 19.11	11	10	DOWN 9.10	79	91	UP 15.18
PUERTO RICO	14	23	UP 64.28	2	10	UP 400.00	16	33	UP 100.25
RHODE ISLAND	9	12	UP 33.33	0	4	UP 100.00	9	16	UP 77.77
S CAROLINA	70	91	UP 30.00	9	8	DOWN 11.13	79	99	UP 25.31
S DAKOTA	22	41	UP 64.36	3	0	DOWN 100.00	25	41	UP 64.00
TENNESSEE E	36	49	UP 35.98	7	11	UP 57.14	43	60	UP 39.57
TENNESSEE M	22	44	UP 20.00	9	14	UP 100.00	39	78	UP 32.20
TENNESSEE W	66	45	DOWN 48.97	21	28	UP 33.33	87	68	DOWN 27.59
TEXAS N	81	75	UP 15.38	24	71	DOWN 17.90	89	96	UP 7.86
TEXAS S	19	16	DOWN 15.79	12	8	DOWN 50.00	31	24	DOWN 29.04
TEXAS S	111	206	UP 21.43	29	18	DOWN 44.83	200	224	UP 12.00
TEXAS W	81	80	DOWN 1.34	19	32	UP 111.51	96	112	UP 16.66
UTAH	14	48	UP 109.71	4	0	UP 100.00	18	48	UP 166.66
VERMONT	11	8	DOWN 41.68	5	1	DOWN 80.67	16	9	DOWN 30.00
VIRGINIA E	210	213	DOWN 1.18	45	58	DOWN 20.00	245	251	DOWN 4.57
VIRGINIA W	17	13	DOWN 23.33	5	1	DOWN 80.00	22	14	DOWN 46.57
WASHINGTON E	18	29	UP 41.11	3	0	UP 100.00	21	29	UP 44.66
WASHINGTON W	44	64	UP 0.57	21	20	DOWN 4.77	100	100	UP 3.91
WEST VIRGINIA N	9	5	DOWN 44.47	5	1	DOWN 36.67	12	4	DOWN 44.47
WEST VIRGINIA S	22	22	DOWN 4.35	7	0	DOWN 14.29	30	30	DOWN 6.67
WISCONSIN E	16	31	DOWN 24.23	0	2	UP 100.00	55	27	DOWN 18.19
WISCONSIN W	13	12	DOWN 7.70	1	0	DOWN 100.00	14	12	DOWN 14.29
WYOMING	5	10	UP 255.55	7	17	UP 142.85	10	27	UP 170.00
CANAL ZONE	12	57	DOWN 36.05	1	5	UP 400.00	48	62	DOWN 33.54
GUAM	4	3	DOWN 50.00	0	0	0.00	6	3	DOWN 50.00
VIRGIN ISLANDS	41	85	DOWN 0.88	2	1	DOWN 50.00	93	86	DOWN 9.68
TOTALS	5,180	5,357	UP 5.03	1,067	1,075	UP 0.74	6,247	6,412	UP 2.64

TABLE 12
CRIMINAL AND CIVIL MATTERS RECEIVED, AND PROCEEDINGS BEFORE GRAND JURY
(FISCAL YEAR 1975 COMPARED WITH FISCAL YEAR 1976)

JUDICIAL DISTRICTS	CRIMINAL 1975	CRIMINAL 1976	CRIMINAL PER CENT OF CHANGE	CIVIL 1975	CIVIL 1976	CIVIL PER CENT OF CHANGE	GRAND JURY PROCEEDINGS 1975	GRAND JURY PROCEEDINGS 1976	GRAND JURY PROCEEDINGS PER CENT OF CHANGE
ALABAMA N	1,562	1,635	UP 10.16	377	736	UP 77.99	496	467	UP 12.21
ALABAMA M	869	1,056	UP 22.08	128	130	UP 0.59	196	166	DOWN 15.51
ALABAMA S	429	497	DOWN 10.95	129	113	DOWN 6.68	96	104	UP 39.65
ALASKA	1,022	831	DOWN 39.26	126	165	UP 50.99	146	60	DOWN 81.56
ARIZONA	4,819	3,637	DOWN 9.31	697	757	UP 8.88	1,074	1,017	DOWN 5.51
ARKANSAS E	1,037	895	DOWN 13.88	271	375	UP 52.37	244	200	DOWN 14.04
ARKANSAS W	555	545	DOWN 1.01	206	465	UP 124.75	65	56	DOWN 34.17
CALIF N	3,644	3,542	DOWN 13.91	776	899	UP 15.85	451	560	UP 29.18
CALIF C	6,797	7,279	UP 7.46	1,711	2,026	UP 16.29	1,361	1,483	UP 8.68
CALIF E	2,486	2,465	DOWN 9.65	462	356	UP 28.34	515	448	DOWN 14.97
CALIF S	20,428	23,881	UP 16.91	386	496	UP 16.65	1,405	906	DOWN 55.29
COLORADO	2,130	2,075	DOWN 2.38	509	597	UP 16.50	254	177	DOWN 58.57
CONNECTICUT	1,520	1,544	UP 1.57	534	643	UP 20.41	307	221	DOWN 26.87
DELAWARE	421	424	UP 2.76	147	176	UP 19.73	137	96	DOWN 91.59
DIST OF COLUMBIA	3,982	3,273	DOWN 5.65	817	1,259	UP 54.10	447	431	UP 2.68
FLORIDA N	913	941	UP 4.79	297	366	UP 54.63	199	192	DOWN 9.95
FLORIDA M	3,870	3,502	DOWN 9.51	1,034	1,199	UP 11.15	548	560	UP 1.12
FLORIDA S	8,620	8,732	DOWN 2.31	1,067	1,582	UP 29.52	627	643	UP 2.95
GEORGIA N	2,982	3,216	UP 14.26	615	705	DOWN 2.46	577	561	DOWN 4.29
GEORGIA M	821	895	DOWN 21.19	233	369	UP 49.87	147	153	UP 10.71
GEORGIA S	1,461	2,198	UP 46.52	153	298	UP 61.29	164	174	UP 6.85
HAWAII	989	919	DOWN 7.08	142	181	UP 27.46	98	67	DOWN 11.75
IDAHO	991	881	DOWN 1.68	163	203	UP 21.45	47	73	UP 6.95
ILLINOIS N	4,982	3,156	DOWN 24.87	1,056	1,599	UP 59.46	347	516	DOWN 3.67
ILLINOIS E	1,057	919	DOWN 13.06	398	549	DOWN 7.95	181	137	UP 35.64
ILLINOIS S	823	687	DOWN 25.89	258	266	UP 5.67	118	93	DOWN 35.94
INDIANA N	1,190	1,160	DOWN 2.93	235	268	UP 24.68	356	262	DOWN 37.61
INDIANA S	1,374	1,129	DOWN 11.38	561	583	UP 7.76	167	181	UP 6.38
IOWA N	944	958	DOWN 11.98	147	146	UP 9.66	53	58	UP 1.93
IOWA S	946	831	UP 8.08	214	215	UP 8.46	116	104	DOWN 11.97
KANSAS	1,439	1,383	DOWN 9.21	713	709	DOWN 1.12	247	249	UP 0.42
KENTUCKY E	1,068	966	DOWN 10.36	1,226	2,617	UP 113.65	296	295	UP 13.96
KENTUCKY W	1,040	1,004	DOWN 3.81	459	562	UP 18.08	297	349	DOWN 12.60
LOUISIANA E	2,175	1,651	DOWN 24.95	557	814	UP 10.25	545	592	UP 7.04
LOUISIANA M	471	296	DOWN 36.74	190	196	DOWN 17.90	62	44	DOWN 37.47
LOUISIANA W	1,495	1,666	UP 11.45	462	566	UP 17.74	193	149	DOWN 23.37
MAINE	658	725	UP 10.16	113	164	UP 29.20	68	55	DOWN 19.12
MARYLAND	2,957	2,639	DOWN 10.76	698	714	UP 3.82	570	445	DOWN 21.93
MASSACHUSETTS	2,284	2,225	UP 0.67	367	491	UP 20.10	391	297	DOWN 22.95
MICHIGAN E	4,752	4,426	DOWN 6.87	773	961	UP 22.18	998	811	DOWN 17.93
MICHIGAN W	643	580	DOWN 9.88	238	298	UP 26.88	189	180	UP 2.65
MINNESOTA	1,566	1,558	DOWN 2.85	527	571	UP 9.34	243	194	DOWN 25.51
MISSISSIPPI N	594	601	UP 0.66	123	163	UP 52.52	134	96	DOWN 36.72
MISSISSIPPI S	1,039	1,006	DOWN 5.16	747	941	UP 40.98	88	76	DOWN 9.81
MISSOURI E	3,581	2,925	DOWN 19.95	359	506	UP 40.94	295	185	DOWN 36.98
MISSOURI W	3,059	3,493	UP 17.27	1,191	1,109	DOWN 6.99	467	558	UP 36.46
MONTANA	752	823	UP 5.91	146	146	UP 1.86	98	77	DOWN 10.67
NEBRASKA	998	866	DOWN 15.24	279	339	UP 31.58	143	94	DOWN 27.72
NEVADA	1,074	1,254	UP 14.89	95	159	UP 53.18	195	193	UP 5.15
NEW HAMPSHIRE	142	208	UP 46.84	76	125	UP 61.94	37	31	DOWN 16.27
NEW JERSEY	4,144	3,651	DOWN 0.69	1,515	1,402	UP 9.77	593	257	DOWN 34.02
NEW MEXICO	1,842	1,813	DOWN 1.17	389	328	UP 5.58	246	187	DOWN 19.93
NEW YORK N	1,168	1,178	UP 14.18	401	468	UP 10.78	96	94	DOWN 13.55
NEW YORK E	2,466	3,048	UP 14.69	1,420	1,734	UP 22.11	486	447	UP 10.99
NEW YORK S	2,888	2,775	DOWN 0.98	1,998	1,934	DOWN 8.58	798	934	UP 6.18
NEW YORK W	1,692	1,691	UP 9.89	992	958	DOWN 0.97	165	165	UP 12.13
N CAROLINA E	1,362	1,168	DOWN 16.87	229	249	UP 8.29	252	196	DOWN 28.78
N CAROLINA M	1,831	961	DOWN 8.29	156	199	UP 29.14	276	269	DOWN 16.76
N CAROLINA W	981	1,107	UP 12.86	162	177	UP 4.25	249	165	DOWN 25.71
NORTH DAKOTA	383	405	UP 9.05	121	134	UP 26.97	65	63	UP 5.89
OHIO N	3,879	2,966	DOWN 4.92	1,212	1,509	UP 24.58	672	516	DOWN 9.51
OHIO S	2,843	1,957	DOWN 4.21	1,249	1,568	UP 24.89	286	199	DOWN 4.33
OKLAHOMA N	737	399	DOWN 16.73	285	379	UP 15.86	196	116	DOWN 11.82
OKLAHOMA E	432	492	UP 4.43	146	169	UP 15.75	55	65	UP 14.18
OKLAHOMA W	1,825	1,715	DOWN 6.83	616	574	DOWN 6.37	158	167	DOWN 14.40
OREGON	1,144	1,110	DOWN 2.98	449	496	UP 6.01	207	156	DOWN 23.69
PENNSYLVANIA E	9,825	9,314	DOWN 13.38	933	1,178	UP 29.40	716	466	DOWN 9.76
PENNSYLVANIA M	1,116	974	DOWN 17.89	966	1,092	UP 9.12	144	179	UP 76.39
PENNSYLVANIA W	1,482	1,471	DOWN 0.75	595	762	UP 24.78	296	264	DOWN 2.59
PUERTO RICO	1,099	936	DOWN 14.66	278	425	UP 46.68	193	165	DOWN 10.95
RHODE ISLAND	891	987	DOWN 26.65	118	120	UP 9.09	91	89	DOWN 24.16
S CAROLINA	2,356	1,651	DOWN 9.16	1,310	1,918	UP 19.83	495	324	DOWN 34.54
S DAKOTA	981	1,006	UP 4.89	126	161	UP 11.90	233	216	DOWN 5.93
TENNESSEE E	1,269	1,228	DOWN 5.24	501	462	UP 33.68	152	139	UP 8.79
TENNESSEE M	1,158	1,111	DOWN 1.94	188	249	UP 31.74	155	130	DOWN 12.05
TENNESSEE W	804	767	DOWN 4.61	195	320	UP 41.92	146	157	UP 9.84
TEXAS N	4,931	4,960	UP 3.93	678	899	UP 24.48	492	476	UP 3.28
TEXAS E	816	788	DOWN 5.44	230	347	UP 49.16	93	94	UP 1.84
TEXAS S	3,534	5,416	UP 1.50	483	1,092	UP 14.02	906	855	DOWN 3.45
TEXAS W	2,959	2,758	DOWN 6.13	438	483	UP 32.62	613	449	DOWN 27.74
UTAH	783	682	UP 2.62	205	265	UP 40.59	93	88	DOWN 45.46
VERMONT	276	316	DOWN 21.74	131	181	DOWN 5.95	83	58	DOWN 20.44
VIRGINIA E	9,204	9,229	DOWN 1.98	665	966	UP 33.46	741	818	DOWN 13.99
VIRGINIA W	665	671	DOWN 2.61	731	1,162	UP 61.69	271	195	DOWN 11.77
WASHINGTON E	600	810	UP 0.66	226	286	UP 6.43	115	181	DOWN 13.16
WASHINGTON W	1,922	1,744	DOWN 9.27	840	816	DOWN 4.15	571	765	DOWN 17.45
WEST VIRGINIA N	275	302	UP 10.42	194	245	UP 53.15	29	51	UP 75.96
WEST VIRGINIA S	1,154	632	DOWN 27.91	783	1,459	UP 96.59	287	151	DOWN 27.06
WISCONSIN E	1,984	969	DOWN 33.09	319	936	UP 67.61	160	108	DOWN 32.53
WISCONSIN W	426	375	DOWN 11.98	295	486	UP 86.55	35	57	UP 31.41
WYOMING	551	379	UP 3.97	99	104	UP 5.05	14	9	DOWN 34.73
CANAL ZONE	536	425	DOWN 21.09	6	5	DOWN 50.00	2	5	UP 100.99
GUAM	96	189	UP 191.66	93	36	DOWN 87.08	21	33	UP 9.52
VIRGIN ISLANDS	459	506	UP 10.23	92	35	DOWN 36.54	8	2	DOWN 46.67
TOTALS	134,133	131,918	DOWN 1.93	45,202	55,819	UP 23.38	27,222	24,734	DOWN 12.81

TABLE 13
COLLECTIONS - UNITED STATES ATTORNEYS OFFICES
(FISCAL YEAR 1975 COMPARED WITH FISCAL YEAR 1976)

JUDICIAL DISTRICTS	AFTER SUIT 1975	AFTER SUIT 1976		PER CENT OF CHANGE	WITHOUT SUIT OR PROSECUTION 1975	WITHOUT SUIT OR PROSECUTION 1976		PER CENT OF CHANGE	TOTAL 1975	TOTAL 1976		PER CENT OF CHANGE
ALABAMA E	125,420	200,260	UP	59.67	47,031	167,631	UP	253.46	173,251	367,891	UP	112.34
ALABAMA M	116,981	206,146	UP	76.22	18,726	8,025	DOWN	52.89	135,707	214,969	UP	58.40
ALABAMA S	188,798	191,411	UP	1.38	66,095	53,028	DOWN	36.41	274,893	244,439	DOWN	11.06
ALASKA	438,877	185,495	DOWN	57.74	552,241	2,533,218	UP	358.71	991,118	2,718,713	UP	174.38
ARIZONA	841,256	1,322,433	UP	57.19	48,239	93,042	UP	92.87	889,495	1,415,475	UP	59.13
ARKANSAS E	1,110,162	1,033,171	DOWN	6.76	433,443	180,986	DOWN	71.12	1,543,607	1,166,187	DOWN	28.43
ARKANSAS W	439,074	573,875	UP	33.65	58,812	224,783	UP	295.66	487,686	800,655	UP	64.17
CALIF N	1,119,473	727,993	DOWN	56.62	224,392	959,723	UP	327.70	1,337,563	1,687,716	UP	26.18
CALIF E	8,994,303	2,402,476	DOWN	73.16	2,262,443	1,263,441	DOWN	55.33	11,256,748	5,665,917	DOWN	68.37
CALIF C	265,911	258,035	DOWN	9.81	345,560	67,616	DOWN	80.44	609,471	325,651	DOWN	69.06
CALIF S	1,238,643	862,795	DOWN	30.35	319,912	649,140	UP	101.55	1,558,555	1,505,953	DOWN	5.38
COLORADO	733,111	259,325	DOWN	63.12	507,958	699,219	UP	37.65	1,241,571	958,542	DOWN	20.86
CONNECTICUT	7,104,321	808,032	DOWN	88.76	62,283	363,819	UP	807.51	7,246,704	1,171,045	DOWN	81.09
DELAWARE	98,027	499,907	UP	409.96	2,802	54,293	UP	87.35	100,329	554,131	UP	494.34
DIST OF COLUMBIA	445,332	213,597	DOWN	31.82	43,051	130,677	UP	203.33	456,355	344,274	DOWN	29.22
FLORIDA N	761,974	542,067	DOWN	28.87	96,926	87,143	DOWN	12.80	841,898	629,210	DOWN	27.00
FLORIDA M	2,737,227	3,304,274	UP	83.93	438,533	389,569	DOWN	13.92	3,163,733	5,689,823	UP	79.75
FLORIDA S	812,422	6,414,098	UP	852.21	1,409,971	746,004	DOWN	47.10	2,222,393	7,182,102	UP	223.18
GEORGIA N	920,456	470,842	DOWN	46.83	172,667	131,587	UP	92.06	3,093,135	602,429	DOWN	26.63
GEORGIA M	429,273	73,446	DOWN	82.26	196,719	270,805	UP	37.64	622,012	544,249	DOWN	44.34
GEORGIA S	119,332	221,448	UP	85.53	166,035	71,104	DOWN	57.18	285,587	292,549	UP	2.50
HAWAII	172,341	246,376	UP	42.79	7,133	125,936	UP	673.74	179,661	372,312	UP	107.23
IDAHO	421,670	606,387	UP	45.80	103,767	420,648	UP	305.20	329,437	1,026,053	UP	93.42
ILLINOIS N	2,152,316	2,386,281	UP	10.87	582,414	260,161	DOWN	55.34	2,756,730	2,646,442	DOWN	3.25
ILLINOIS E	1,132,578	379,152	DOWN	65.02	80,162	262,777	UP	227.80	1,182,740	641,929	DOWN	45.78
ILLINOIS S	762,637	1,801,183	UP	136.17	133,436	106,127	DOWN	21.97	896,093	1,905,812	UP	112.62
INDIANA N	999,510	2,129,701	UP	136.76	457,243	178,117	DOWN	61.05	1,356,755	2,597,818	UP	70.09
INDIANA S	13,377,321	1,544,766	DOWN	88.19	2,81,699	359,746	UP	22.71	13,567,620	1,904,512	DOWN	85.79
IOWA N	151,769	312,228	UP	105.72	332,226	557,977	UP	67.95	485,999	870,205	UP	79.79
IOWA S	620,123	233,163	DOWN	67.75	1,092,371	1,239,859	UP	10.75	1,712,494	1,410,022	DOWN	17.67
KANSAS	562,095	1,072,599	UP	90.89	744,613	937,724	UP	25.95	1,504,698	2,010,723	UP	55.87
KENTUCKY E	898,000	1,050,670	UP	17.00	193,295	611,573	UP	113.13	1,091,295	1,662,643	UP	54.02
KENTUCKY W	1,321,333	568,978	DOWN	62.03	357,539	156,231	DOWN	39.05	1,858,599	705,209	DOWN	62.06
LOUISIANA E	2,021,874	5,070,737	UP	150.79	533,330	257,977	DOWN	51.63	2,555,204	5,328,714	UP	108.94
LOUISIANA M	484,283	2,208,633	UP	556.06	77,801	53,787	DOWN	34.73	562,044	2,256,442	UP	391.97
LOUISIANA W	1,747,197	1,358,516	UP	0.84	175,146	297,217	UP	69.40	1,922,543	1,655,753	UP	8.74
MAINE	74,572	192,205	UP	157.74	247,574	404,181	UP	64.06	322,146	598,386	UP	85.76
MARYLAND	1,367,899	934,624	DOWN	15.28	61,762	82,508	UP	33.60	1,129,661	987,892	DOWN	12.60
MASSACHUSETTS	8,818,419	14,779,400	UP	67.59	3,662,604	1,280,158	DOWN	64.87	12,581,023	15,995,575	UP	27.18
MICHIGAN E	670,535	335,359	UP	16.02	1,067,515	1,046,560	DOWN	0.09	1,398,070	1,021,919	UP	9.43
MICHIGAN W	98,025	191,395	UP	52.75	965,266	85,166	DOWN	91.18	1,066,209	256,261	DOWN	77.80
MINNESOTA	223,652	238,156	UP	6.57	102,329	172,244	UP	68.32	325,981	410,402	UP	25.95
MISSISSIPPI N	98,463	238,814	UP	139.27	34,029	139,334	UP	598.26	131,272	390,132	UP	197.56
MISSISSIPPI S	147,185	230,918	UP	60.96	287,799	342,229	UP	18.91	434,984	579,147	UP	55.14
MISSOURI E	173,093	289,382	UP	63.27	256,529	166,122	DOWN	29.17	409,622	433,514	UP	11.23
MISSOURI W	178,359	188,505	UP	5.73	579,778	359,735	DOWN	3.46	757,857	748,033	DOWN	1.30
MONTANA	90,465	293,543	UP	231.67	292,560	219,256	DOWN	25.02	383,705	512,799	UP	84.02
NEBRASKA	469,341	2,861,646	UP	467.10	659,663	1,668,923	UP	152.99	1,129,004	4,530,564	UP	209.57
NEVADA	145,215	133,521	DOWN	8.06	5,929	13,018	UP	231.53	149,166	146,519	DOWN	1.75
NEW HAMPSHIRE	33,535	77,346	UP	117.55	2,810	1,001	DOWN	64.38	38,345	78,567	UP	304.21
NEW JERSEY	3,859,689	17,508,814	UP	353.62	871,128	2,234,538	UP	156.38	4,713,817	19,021,645	UP	820.78
NEW MEXICO	772,024	258,690	DOWN	56.50	67,423	51,099	DOWN	21.25	839,447	311,789	DOWN	62.86
NEW YORK N	4,313,237	290,777	DOWN	93.27	265,230	289,979	UP	9.35	4,580,527	580,796	DOWN	87.33
NEW YORK E	1,212,609	9,228,723	UP	661.18	1,323,992	965,070	DOWN	9.80	2,256,591	10,213,790	UP	358.71
NEW YORK S	3,283,858	3,349,316	UP	1.96	8,801,644	4,197,628	DOWN	52.51	12,085,292	9,546,944	DOWN	20.96
NEW YORK W	310,873	329,446	DOWN	0.48	189,438	137,766	UP	62.46	580,311	617,212	UP	29.56
N CAROLINA E	138,619	259,862	UP	68.08	26,949	8,424	DOWN	68.75	165,568	242,256	UP	46.31
N CAROLINA M	158,509	159,843	UP	0.84	34,751	98,286	UP	182.88	195,260	258,131	UP	59.97
N CAROLINA W	259,361	168,587	DOWN	23.35	26,429	43,456	UP	64.04	285,690	212,043	DOWN	15.50
NORTH DAKOTA	435,670	563,866	DOWN	16.02	419,588	498,353	UP	66.43	855,258	1,064,241	UP	24.43
OHIO N	8,267,720	3,436,931	DOWN	56.43	195,850	233,658	UP	2.45	8,463,570	5,637,589	DOWN	57.03
OHIO S	4,732,409	5,722,195	UP	21.00	425,923	357,011	DOWN	16.11	5,127,954	6,079,206	UP	18.53
OKLAHOMA N	1,909,911	3,550,632	UP	76.17	60,191	27,708	DOWN	53.55	1,980,072	3,578,560	UP	72.20
OKLAHOMA E	1,147,526	498,601	DOWN	56.55	21,191	77,963	UP	267.89	1,168,719	576,564	DOWN	50.67
OKLAHOMA W	7,917,577	7,571,622	DOWN	4.37	27,980	26,807	DOWN	4.22	7,945,363	7,598,429	DOWN	4.37
OREGON	381,186	927,462	UP	99.58	608,667	434,521	DOWN	28.61	1,189,855	1,361,883	UP	14.45
PENNSYLVANIA E	1,438,796	1,348,359	DOWN	6.45	89,916	273,081	UP	203.61	1,528,712	1,619,888	UP	5.91
PENNSYLVANIA M	220,110	176,409	DOWN	20.73	11,177	19,509	UP	72.75	231,287	193,718	DOWN	16.23
PENNSYLVANIA W	1,134,584	2,047,686	UP	77.34	60,013	137,324	UP	129.16	1,214,514	2,183,338	UP	79.93
PUERTO RICO	426,864	227,720	DOWN	46.66	505,961	87,357	DOWN	71.26	730,725	313,651	DOWN	56.89
RHODE ISLAND	42,332	58,423	UP	57.36	232,103	534,258	UP	180.18	274,659	592,681	UP	115.80
S CAROLINA	9,993,533	6,111,853	UP	2.32	3,257,523	3,238,335	UP	3.02	9,229,328	9,350,185	UP	1.32
S DAKOTA	180,979	1,176,113	UP	549.86	499,437	263,107	DOWN	47.32	680,416	1,439,220	UP	111.52
TENNESSEE E	141,235	182,290	UP	29.06	4,951	271,591	UP	847.76	146,186	453,883	UP	210.51
TENNESSEE M	2,734,133	32,376	DOWN	98.39	116,775	77,522	DOWN	51.62	2,850,878	129,898	DOWN	95.45
TENNESSEE W	149,769	67,223	DOWN	35.12	29,394	31,234	UP	6.12	179,165	98,477	DOWN	45.04
TEXAS N	833,091	596,582	DOWN	5.77	4,354,248	1,298,181	DOWN	73.19	4,987,319	1,894,763	DOWN	62.31
TEXAS E	115,010	141,534	UP	6.41	91,040	97,280	UP	215.40	186,050	238,814	UP	45.57
TEXAS S	9,829,051	2,223,109	DOWN	77.59	469,096	137,942	DOWN	80.60	10,298,149	2,561,051	DOWN	77.08
TEXAS W	117,302	378,198	UP	19.28	239,666	238,312	DOWN	0.65	526,728	986,510	UP	11.14
UTAH	668,857	436,481	DOWN	38.91	84,480	91,132	UP	7.93	775,087	923,613	DOWN	52.02
VERMONT	146,157	272,576	UP	86.51	41,949	89,727	UP	113.84	188,106	562,303	UP	92.62
VIRGINIA E	112,413	1,253,143	UP	16.57	94,050	241,978	UP	347.69	156,460	1,497,121	UP	799.38
VIRGINIA W	130,859	116,107	DOWN	11.28	268,712	351,467	UP	30.78	599,591	667,576	UP	17.01
WASHINGTON E	2,471,447	292,677	DOWN	88.17	231,119	371,935	UP	84.91	2,674,566	644,527	DOWN	75.16
WASHINGTON W	17,498,816	1,328,817	DOWN	92.41	27,898	240,437	UP	762.05	17,526,005	1,569,254	DOWN	91.05
WEST VIRGINIA N	43,518	43,026	DOWN	3.48	120,050	177,440	UP	47.80	165,548	220,466	UP	33.15
WEST VIRGINIA S	81,366	155,566	UP	91.19	1,188,133	164,334	DOWN	86.17	1,269,469	319,898	DOWN	74.81
WISCONSIN E	207,037	502,738	UP	141.89	213,242	303,256	UP	43.13	421,079	807,994	UP	91.88
WISCONSIN W	810,945	630,468	DOWN	22.26	5,049	157,693	UP	13,62	816,214	788,161	DOWN	3.42
WYOMING	161,538	73,081	DOWN	54.77	73,260	72,729	DOWN	0.75	234,819	145,810	DOWN	17.91
CANAL ZONE	12,858	24,756	UP	92.84	0	0		0.00	12,858	24,756	UP	92.84
GUAM	2,200	2,363	UP	8.18	3	3		3.00	2,203	2,363	UP	8.18
VIRGIN ISLANDS	0	13,224	UP	100.00	0	0		0.00	0	13,224	UP	100.00
TOTALS	152,288,784	138,081,997	DOWN	9.33	43,891,304	40,037,104	DOWN	12.76	196,180,168	178,119,131	DOWN	13.13

1/ TABLE 14
CRIMINAL CASES PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1976
AGED BY DATE RECEIVED

JUDICIAL DISTRICTS	LESS THAN SIX MONTHS	SIX MONTHS TO ONE YEAR	ONE TO TWO YEARS	TWO TO THREE YEARS	THREE TO FOUR YEARS	FOUR TO FIVE YEARS	FIVE OR MORE YEARS	TOTAL
ALABAMA N	81	65	24	12	5	5	8	140
ALABAMA M	13	9	2	5	4	1	1	35
ALABAMA S	56	14	9	3	1	2	2	83
ALASKA	17	21	62	24	8	8	16	136
ARIZONA	328	156	156	143	130	109	86	1148
ARKANSAS E	57	14	11	6	4	5	4	101
ARKANSAS W	19	2	3	5			1	58
CALIF N	97	74	85	75	70	65	110	576
CALIF C	371	241	280	182	115	128	405	1702
CALIF E	133	63	73	62	55	23	35	364
CALIF S	312	161	247	203	125	82	503	1661
COLORADO	84	52	20	21	6	11	22	184
CONNECTICUT	72	71	43	12	16	19	44	267
DELAWARE	32	16	8	3	2	1	5	67
DIST OF COLUMBIA	406	560	209	67	19	21	52	1110
FLORIDA N	27	15	17	6	4	2	10	60
FLORIDA M	155	48	55	36	48	19	39	362
FLORIDA S	201	128	194	86	90	58	67	728
GEORGIA N	96	57	118	85	19	11	32	378
GEORGIA M	17	9	31	7	2	3	17	76
GEORGIA S	31	22	10	3	4	1	3	80
HAWAII	45	17	29	9	18	9	14	131
IDAHO	29	5	6			1	10	55
ILLINOIS N	181	137	212	15	47	55	107	781
ILLINOIS E	34	30	18	9	9	3	15	108
ILLINOIS S	30	16	8	10	6	4	25	105
INDIANA N	48	48	62	21	12	5	44	245
INDIANA S	38	25	36	29	39	15	38	165
IOWA N	12	12	15	3	2	1	16	57
IOWA S	37	5	5	1	1	5	8	56
KANSAS	112	30	28	6	9	1	1	192
KENTUCKY E	53	14	31	15	5	8	16	141
KENTUCKY W	44	18	12	6	4	2	10	66
LOUISIANA E	98	48	43	18	9	4	7	515
LOUISIANA W	18	15	24	23	5			85
LOUISIANA M	133	34	10	1	2			182
MAINE	8	6	6	6	7	3	25	56
MARYLAND	216	155	147	56	56	17	42	656
MASSACHUSETTS	125	112	91	20	46	97	42	515
MICHIGAN E	337	256	201	68	99	90	140	1172
MICHIGAN W	76	32	15	15	5	13	41	167
MINNESOTA	12	31	58	9	4	14	36	188
MISSISSIPPI N	12	10	6				2	30
MISSISSIPPI S	36	6	6	2	2	1	3	93
MISSOURI E	108	53	11	6	6	5	20	178
MISSOURI W	153	36	15	4	7	5	13	228
MONTANA	24	11	2	2	6	1	31	77
NEBRASKA	39	9	14	1	4	10	36	116
NEVADA	69	36	23	11	3	3	15	156
NEW HAMPSHIRE	5	4	6			5	16	31
NEW JERSEY	210	71	97	58	62	61	110	564
NEW MEXICO	90	23	29	9	15	7	16	146
NEW YORK N	30	28	21	5	15	10	39	158
NEW YORK E	208	187	171	80	94	84	210	1034
NEW YORK S	234	278	373	341	286	165	423	2119
NEW YORK W	44	94	96	11	60	18	55	401
N CAROLINA E	32	6	16	2	4	6	6	74
N CAROLINA M	28	26	14	9	5	10	6	68
N CAROLINA W	55	8	7		7	1	9	67
NORTH DAKOTA	12	4	5	2	1	3	10	37
OHIO N	140	59	70	50	27	40	86	585
OHIO S	76	29	14	1	1	4	14	136
OKLAHOMA N	44	6	4	1	7	1	6	67
OKLAHOMA E	10	7	1	1			1	20
OKLAHOMA W	48	11	6	4	6	3	17	88
OREGON	59	51	44	10	5	1	17	187
PENNSYLVANIA E	204	114	152	17	10	6	3	496
PENNSYLVANIA M	47	15	13	11	6	5	17	117
PENNSYLVANIA W	81	51	47	11	10	15	44	261
PUERTO RICO	53	37	31	18	8	9	21	203
RHODE ISLAND	28	14	17	7	1		1	68
S CAROLINA	98	98	46	15	11	6	14	288
S DAKOTA	110	33	13	5		1	9	166
TENNESSEE E	17	11	12	3	2	1	1	47
TENNESSEE M	43	22	6	5		1	4	85
TENNESSEE W	67	24	54	16	23	7	10	171
TEXAS N	134	38	58	23	8	4	27	572
TEXAS E	14	11	2	4	3		5	39
TEXAS S	227	90	176	92	88	53	81	807
TEXAS W	158	72	62	32	30	12	41	367
UTAH	39	58	6	8	1	2		42
VERMONT	34	5	6	15	15	2	20	100
VIRGINIA E	131	56	45	14	11	14	61	117
VIRGINIA W	1	2	4	1	1	2	1	18
WASHINGTON E	50	6	7	2	3	6	22	66
WASHINGTON W	144	42	57	16	14	6	41	308
WEST VIRGINIA N	12	2	1	1	2	1	7	26
WEST VIRGINIA S	42	58	21	14	14	4	8	131
WISCONSIN E	91	21	23	11	6	8	12	134
WISCONSIN W	15	8	11	6	5	2	13	60
WYOMING	15	7	3					52
CANAL ZONE	5							5
GUAM	5	2	2	1				10
VIRGIN ISLANDS	106	23	29	4	5	6	4	177
TOTAL	7959	4299	4362	2497	1816	1441	3811	26354

1/ INCLUDES U.S. DISTRICT AND APPELLATE COURTS.

TABLE E5
CRIMINAL COMPLAINTS PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1976
AGED BY DATE RECEIVED

JUDICIAL DISTRICTS	LESS THAN SIX MONTHS	SIX MONTHS TO ONE YEAR	ONE TO TWO YEARS	TWO TO THREE YEARS	THREE TO FOUR YEARS	FOUR TO FIVE YEARS	FIVE OR MORE YEARS	TOTAL
ALABAMA N	226	42	26	6	1			299
ALABAMA M	85	4	11	4	5	2	9	112
ALABAMA S	16	4	10	5	2		1	38
ALASKA	6	5	22	12	6	5	5	61
ARIZONA	202	55	76	28	17	4	1	381
ARKANSAS E	32	4	3	1			1	41
ARKANSAS W	24	12	4		1		3	44
CALIF N	268	161	188	172	128	58	365	1340
CALIF C	743	573	306	193	127	138	291	2131
CALIF E	42	37	130	73	21	8	16	325
CALIF S	94	55	71	68	47	54	160	549
COLORADO	29	10	19	5	1	2	1	67
CONNECTICUT	78	49	33	17	7	6	5	195
DELAWARE	31	35	31	10	3	1		131
DIST OF COLUMBIA	213	133	100	2			2	450
FLORIDA N	49	14	14	9	4	4	5	99
FLORIDA M	328	157	198	84	52	15	18	849
FLORIDA S	489	153	289	98	20	7	11	1027
GEORGIA N	323	186	156	81	19	5	8	778
GEORGIA M	98	46	44	7	4	2	1	202
GEORGIA S	146	119	42	14	5			326
HAWAII	13	11	17	31	20	5	5	100
IDAHO	34	13	11	5	2	2	12	79
ILLINOIS N	485	549	578	167	90	58	45	2022
ILLINOIS E	76	48	44	29	1	1	6	205
ILLINOIS S	80	38	27	6	2	2	2	157
INDIANA N	99	37	9	2	4	2		153
INDIANA S	67	30	70	29	2			198
IOWA N	43	23	17	10	9	4	8	114
IOWA S	27	9	1		1	2	1	41
KANSAS	71	12	8	5	3	1	1	95
KENTUCKY E	68	29	62	119	33	6	13	330
KENTUCKY W	295	126	90	64	7	1		541
LOUISIANA E	266	112	114	39	6	1	5	539
LOUISIANA M	68	84	156	61	11	39		421
LOUISIANA W	216	94	66	50	6	1	1	592
MAINE	31	21	22	35	1	1		111
MARYLAND	297	197	162	94	13	8	11	662
MASSACHUSETTS	227	110	123	42	37	15	26	580
MICHIGAN E	503	245	159	24	17	9	4	957
MICHIGAN W	50	12	8					70
MINNESOTA	60	10	16	5	2		6	99
MISSISSIPPI N	73	38	26	7	2	1	1	148
MISSISSIPPI S	35	3	3	3	2			46
MISSOURI E	298	91	69	13	4	5	4	484
MISSOURI W	139	47	47	14	6	1	7	257
MONTANA	51	11	7		2		2	73
NEBRASKA	69	30	21	8	2		1	129
NEVADA	29	6	15	7	6	2	4	69
NEW HAMPSHIRE	12	3	5					20
NEW JERSEY	421	324	467	349	231	114	90	2042
NEW MEXICO	83	9	25	5	2	4		128
NEW YORK N	78	30	21	12	5	1	7	154
NEW YORK E	425	167	206	64	62	19	27	995
NEW YORK S	963	248	499	318	179	304	136	2007
NEW YORK W	136	61	70	32	11	1	3	296
N CAROLINA E	33	12	10	9	3	3	1	91
N CAROLINA M	18	10	22	2	3			53
N CAROLINA W	76	3	6	6	3	5	4	99
NORTH DAKOTA	43	15	3					61
OHIO N	193	87	149	78	25	23	31	586
OHIO S	133	38	29	10	5	3	9	225
OKLAHOMA N	7	2	1	1				11
OKLAHOMA E	40	9	5	3	1	1		59
OKLAHOMA W	66	29	27	11	7		1	141
OREGON	96	31	37	6	5	4	2	181
PENNSYLVANIA E	449	286	214	64	15	9	5	1016
PENNSYLVANIA M	66	13	21	11	2	2	2	97
PENNSYLVANIA W	188	73	74	30	2	3	2	350
PUERTO RICO	52	56	102	26	22	17	13	288
RHODE ISLAND	52	29	13	7	12	4	7	124
S CAROLINA	135	95	29	23	13	4	1	260
S DAKOTA	33	9	6	3	2	1		54
TENNESSEE E	98	39	25	6	1	3		172
TENNESSEE M	41	4	8	2			1	56
TENNESSEE W	22	5	9	7	1		4	48
TEXAS N	246	107	103	43	13		1	513
TEXAS E	79	16	28	6	2	2	1	134
TEXAS S	849	142	192	89	22	8	2	804
TEXAS W	231	40	47	16	13	5	5	359
UTAH	37	12	12	1			2	64
VERMONT	10	12	3	2				25
VIRGINIA E	245	96	49	20	10	6	14	440
VIRGINIA W	82	24	40	26	7	2	12	193
WASHINGTON E	30	7	5	4	4	1	2	53
WASHINGTON W	172	102	40	11	7	4	1	337
WEST VIRGINIA N	51	3	2	1		2	2	61
WEST VIRGINIA S	149	81	196	85	1	2		514
WISCONSIN E	186	132	295	27	14	1	4	599
WISCONSIN W	46	15	20	5	3			89
WYOMING	31	8	4	5	5	3		56
CANAL ZONE	23							23
GUAM	1	3	1	2				7
VIRGIN ISLANDS	51	11	23	9	5	6	3	108
TOTAL	12778	6076	6762	5048	1480	883	1469	32456

TABLE 16

CIVIL CASES PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1976 1/

AGED BY DATE RECEIVED

JUDICIAL DISTRICTS	LESS THAN SIX MONTHS	SIX MONTHS TO ONE YEAR	ONE TO TWO YEARS	TWO TO THREE YEARS	THREE TO FOUR YEARS	FOUR TO FIVE YEARS	FIVE OR MORE YEARS	TOTAL
ALABAMA N	246	130	106	26	7	3	13	531
ALABAMA M	34	8	3	1	1	3	12	66
ALABAMA S	28	12	7	9	1		6	73
ALASKA	2	26	72	29	24	13	27	193
ARIZONA	209	157	125	64	19	18	12	599
ARKANSAS E	132	96	76	27	12		3	347
ARKANSAS W	91	63	79	6	9	3	1	256
CALIF N	272	241	269	153	108	56	146	1245
CALIF C	526	320	399	162	68	43	91	1372
CALIF E	178	126	202	88	43	23	28	698
CALIF S	120	61	86	23	12	5	4	323
COLORADO	134	115	151	62	16	9	10	319
CONNECTICUT	241	165	138	43	10	5	6	610
DELAWARE	37	43	61	11	11	9	2	176
DIST OF COLUMBIA	457	303	207	109	44	23	48	1191
FLORIDA N	79	78	29	12	2	1	1	202
FLORIDA M	426	163	152	52	24	21	34	636
FLORIDA S	473	253	210	65	19	22	13	1055
GEORGIA N	235	107	210	99	24	13	10	768
GEORGIA M	58	35	26	6	6	1	1	131
GEORGIA S	65	37	40	23	10	6	4	191
HAWAII	63	64	62	44	20	10	12	283
IDAHO	91	32	48	14	7	3	3	198
ILLINOIS N	900	310	670	419	169	82	82	2741
ILLINOIS E	115	88	117	33	31	20	14	418
ILLINOIS S	101	64	64	27	6	6	3	291
INDIANA N	99	90	62	48	11	10	8	448
INDIANA S	209	93	110	34	20	13	14	503
IOWA N	30	26	22	11	4	2	3	98
IOWA S	82	32	24	1			1	130
KANSAS	217	96	60	24	24	17	11	471
KENTUCKY E	964	856	562	98	107	18	29	2674
KENTUCKY W	176	134	108	56	37	19	32	562
LOUISIANA E	190	144	90	48	16	4	16	508
LOUISIANA M	31	43	39	13	13	4	2	165
LOUISIANA W	141	96	60	21	7	2	12	349
MAINE	63	36	34	2	4	1	2	144
MARYLAND	244	187	222	74	36	17	10	796
MASSACHUSETTS	204	203	236	102	42	38	26	867
MICHIGAN E	341	269	223	99	48	13	15	1008
MICHIGAN W	120	82	102	33	24	6	3	310
MINNESOTA	162	106	137	56	32	17	11	541
MISSISSIPPI N	35	40	21	8	7	5	3	117
MISSISSIPPI S	99	84	46	18	11	4	4	266
MISSOURI E	131	69	37	12	3		24	276
MISSOURI W	199	124	126	34	13	3	4	503
MONTANA	33	41	34	5	3		1	119
NEBRASKA	81	55	47	12	14	3	2	214
NEVADA	49	42	36	13	12	4	6	162
NEW HAMPSHIRE	42	21	11	2	1	1		78
NEW JERSEY	349	344	449	133	68	28	25	1917
NEW MEXICO	79	90	109	27	6	1	7	913
NEW YORK N	162	101	164	91	34	32	62	900
NEW YORK E	731	491	589	256	236	249	504	3124
NEW YORK S	682	349	542	322	255	197	501	2744
NEW YORK W	170	126	120	60	20	36	23	995
N CAROLINA E	95	42	73	15	9	2	3	241
N CAROLINA M	44	57	47	15	9	2	3	197
N CAROLINA W	61	27	38	10	5	6	3	147
NORTH DAKOTA	39	12	9	1	1			60
OHIO N	398	345	307	154	63	27	80	1574
OHIO S	571	331	263	68	17	9	12	1271
OKLAHOMA N	125	62	64	28	14	8	8	319
OKLAHOMA E	35	59	22	3	2	2	4	125
OKLAHOMA W	162	122	107	62	33	20	17	523
OREGON	144	121	129	29	16	3	1	456
PENNSYLVANIA E	442	266	270	62	34	23	32	1130
PENNSYLVANIA M	365	207	263	67	13	12	1	949
PENNSYLVANIA W	234	118	66	15	9	3	17	500
PUERTO RICO	2	100	290	140	109	90	122	851
RHODE ISLAND	48	39	43	10	11	11	17	181
S CAROLINA	390	304	164	86	31	5	3	1009
S DAKOTA	52	26	46	19	11	2	1	157
TENNESSEE E	136	74	36	12	3		3	266
TENNESSEE M	84	40	20	8	6	1	2	162
TENNESSEE W	75	30	20	13	5	3	3	149
TEXAS N	264	165	107	64	38	21	22	701
TEXAS E	114	62	73	41	16	6	7	341
TEXAS S	182	169	217	103	92	19	31	775
TEXAS W	197	103	94	46	28	12	7	442
UTAH	96	82	41	22	6	5	9	263
VERMONT	71	21	30	3	2		1	134
VIRGINIA E	227	169	121	37	11	3	9	609
VIRGINIA W	588	298	208	36	9	13	2	1143
WASHINGTON E	36	21	30	16	9	2	7	153
WASHINGTON W	195	141	139	30	28	16	6	573
WEST VIRGINIA N	81	56	74	13	8	1	5	240
WEST VIRGINIA S	664	321	417	33	23	12	16	1818
WISCONSIN E	181	119	163	74	40	27	13	619
WISCONSIN W	216	156	81	34	13	4	9	493
WYOMING	23	21	16	4				68
CANAL ZONE	1		3					4
GUAM	6	13	7	2	2	1		31
VIRGIN ISLANDS	1	8	9	9	8	18	27	78
TOTAL	16329	12961	12214	4870	2037	1559	2560	54532

1/ INCLUDES ALL U.S. CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS BUT EXCLUDES LAND ACQUISITION CASES.

1/ TABLE 17
CIVIL MATTERS PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1976
AGED BY DATE RECEIVED

JUDICIAL DISTRICTS	LESS THAN SIX MONTHS	SIX MONTHS TO ONE YEAR	ONE TO TWO YEARS	TWO TO THREE YEARS	THREE TO FOUR YEARS	FOUR TO FIVE YEARS	FIVE OR MORE YEARS	TOTAL
ALABAMA N	43	7	3	1			3	36
ALABAMA M	11	3	1	1				13
ALABAMA S	15	13	17	1	1	1	1	49
ALASKA	1	2	4	6	4	0	0	33
ARIZONA	33	19	13	3	4			94
ARKANSAS E	19	0	3	1		1	1	33
ARKANSAS W		1		1	1			3
CALIF N	103	77	31	47	37	31	33	399
CALIF C	364	119	84	39	29	4	19	374
CALIF E	31	19	22	6	6	3	3	114
CALIF S	63	23	6	7		1		104
COLORADO	111	33	19	11	17	4	11	206
CONNECTICUT	10	6	4	3	1		1	24
DELAWARE	13	3	7	3	2	1	3	33
DIST OF COLUMBIA	36	11	33	6			12	100
FLORIDA N	26	10	4	1	1		3	44
FLORIDA M	74	36	48	18	9	7	11	193
FLORIDA S	136	96	68	44	17	10	13	384
GEORGIA N	58	40	48	33	10	33	13	267
GEORGIA M	16	3	3	1		1		23
GEORGIA S	38	36	20	14	0		1	107
HAWAII				1	4	1	3	11
IDAHO	13	1	1		1		1	19
ILLINOIS N	74	76	102	33	30	6	18	331
ILLINOIS E	39	11	13	23	10	6	10	113
ILLINOIS S	20	4	3	3	1		1	34
INDIANA N	6	3	3	3	3		4	24
INDIANA S	33	9	3	3	1		1	30
IOWA N	13	9	8					30
IOWA S	11	3	3					13
KANSAS	13	3	7		1		1	23
KENTUCKY E	982	331	149	34	48	1	8	229
KENTUCKY W	32	17	33	36	17	9	6	186
LOUISIANA E	46	10	7					67
LOUISIANA M	10	6	20	10	6	1		33
LOUISIANA W	44	11	14		3	3	1	76
MAINE	6	3	8	6	7	1	4	37
MARYLAND	67	40	41	9	3	8	4	193
MASSACHUSETTS	38	26	14	33	11	10	38	190
MICHIGAN E	32	9	14	18	4	2	3	96
MICHIGAN W	9	3		3			7	33
MINNESOTA	60	11	16	31	4	4	9	131
MISSISSIPPI N	3	1	3	1		1		11
MISSISSIPPI S	6	1		1	1		3	12
MISSOURI E	32	23	13	4	3		6	100
MISSOURI W	33	9	6	2	4	1	2	69
MONTANA	10	3	3			1		14
NEBRASKA	34	1	7	3	4			38
NEVADA		1		4			4	9
NEW HAMPSHIRE	6	3	1	1			2	13
NEW JERSEY	123	44	30	18	7	4	7	263
NEW MEXICO	39	62	33	13	4	1	3	176
NEW YORK N	33	24	17	3	3	6	2	89
NEW YORK E	104	23	29	34	301	17	20	730
NEW YORK S	98	48	31	49	44	30	139	431
NEW YORK W	33	27	32	14	6	3	9	143
N CAROLINA E	6		7	1				16
N CAROLINA M	1	1	7	3	1	3	1	13
N CAROLINA W	13	3	7	3		3		30
NORTH DAKOTA	11	3	2	3	4		3	26
OHIO N	73	36	36	30	9	4	30	330
OHIO S	64	33	19	4	1		3	116
OKLAHOMA N	20	7	8	17	4	3	8	67
OKLAHOMA E	1	1		1	1			4
OKLAHOMA W	32	11	9	37	7	3	1	88
OREGON	21	7	3	4			1	36
PENNSYLVANIA E	79	67	60	30	11	4	6	243
PENNSYLVANIA M	52	13			8	1		73
PENNSYLVANIA W	77	13	12	3	32		1	138
PUERTO RICO					11	3	32	46
RHODE ISLAND	4	6	8	13				32
S CAROLINA	132	85	34	17	9		9	276
S DAKOTA	4	1	4	3	3			15
TENNESSEE E	31	13	3	3	2	2	4	83
TENNESSEE M	4	4	2	3	4	3		19
TENNESSEE W	17	4	12	7	3	3		30
TEXAS N	89	17	16	9	4	3	3	140
TEXAS E	19	12	16	7	4	3	6	67
TEXAS S	163	37	37	8	3	3	3	293
TEXAS W	56	18	9	3	1	4	1	91
UTAH	13	4	5	4	1	1	3	33
VERMONT	6	1	3			1	3	14
VIRGINIA E	34	36	37	17	3	3	3	144
VIRGINIA W	3	7	29	2	307	34	1	373
WASHINGTON E	23	6	6	4	3	2	6	31
WASHINGTON W	99	30	36	11	4	1	4	147
WEST VIRGINIA N	20	8	4	3	17		1	33
WEST VIRGINIA S	182	143	42	171	119	1	3	671
WISCONSIN E	30	23	11	11	2	3	0	90
WISCONSIN W	11	10	9	13	3	1		49
WYOMING	6	3	3	1				13
GUAM	2		2					4
VIRGIN ISLANDS	3		3	4		1	17	26
TOTAL	4190	1961	1652	1110	1439	293	630	11278

1/ EXCLUDES LAND ACQUISITION CASES.

TABLE T0

CIVIL CASES PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1970 BY AMOUNT RANGE

JUDICIAL DISTRICT	NON-MONETARY	01 TO 0250	0251 TO 0500	0501 TO 01,000	$1,001 TO $2,500	$2,501 TO $5,000	$5,001 TO $10,000	$10,001 AND ABOVE	TOTAL
ALABAMA N	407	5	9	10	17	10	7	50	931
ALABAMA M	45	2	1	1	1	3	1	12	66
ALABAMA S	48	0	0	1	3	1	5	14	73
ALASKA	140	0	2	2	8	12	8	25	195
ARIZONA	566	0	2	5	4	3	8	15	999
ARKANSAS E	158	2	7	14	24	21	51	95	367
ARKANSAS W	163	4	2	5	9	8	15	65	296
CALIF N	899	20	8	30	83	38	44	340	1,263
CALIF C	897	22	18	20	43	24	43	303	1,372
CALIF E	317	5	7	11	31	17	20	244	660
CALIF S	144	6	4	2	13	11	15	138	333
COLORADO	318	6	4	10	23	17	25	110	319
CONNECTICUT	319	5	8	15	32	46	44	103	818
DELAWARE	110	0	2	4	5	4	8	35	176
DIST OF COLUMBIA	1,091	9	2	7	9	5	8	66	1,181
FLORIDA M	199	1	4	1	10	9	8	59	202
FLORIDA N	359	4	10	12	32	29	42	166	854
FLORIDA S	621	16	22	28	92	90	33	211	1,093
GEORGIA M	449	3	10	8	7	2	4	63	766
GEORGIA N	184	1	1	3	2	6	8	12	191
GEORGIA S	87	4	3	7	7	2	7	42	191
HAWAII	149	1	5	3	1	8	3	72	283
IDAHO	84	0	0	3	11	8	18	74	198
ILLINOIS N	1,726	36	44	94	144	97	95	505	2,741
ILLINOIS E	342	1	0	4	8	2	4	31	438
ILLINOIS S	137	2	4	5	5	8	5	34	291
INDIANA N	130	4	4	14	26	31	23	110	340
INDIANA S	287	3	7	13	28	28	27	108	503
IOWA N	44	4	2	4	3	9	9	28	98
IOWA S	92	0	1	0	2	3	4	28	130
KANSAS	274	2	0	12	12	19	16	126	471
KENTUCKY E	2,285	38	72	91	48	29	36	103	2,674
KENTUCKY W	504	1	7	6	17	11	23	93	662
LOUISIANA E	243	4	5	13	12	18	24	109	908
LOUISIANA M	126	2	0	1	1	0	3	24	164
LOUISIANA W	218	3	5	17	12	14	14	101	384
MAINE	53	0	2	1	4	5	10	63	144
MARYLAND	472	0	2	8	11	11	17	78	798
MASSACHUSETTS	573	17	7	35	36	23	27	102	887
MICHIGAN E	749	13	15	11	12	16	19	197	1,082
MICHIGAN W	274	3	5	2	8	2	5	80	378
MINNESOTA	483	7	14	20	27	15	8	37	941
MISSISSIPPI N	87	0	1	0	3	3	4	17	117
MISSISSIPPI S	183	1	1	3	9	10	7	44	286
MISSOURI E	203	8	0	3	4	11	9	28	298
MISSOURI W	445	2	1	3	8	7	7	13	508
MONTANA	18	1	0	3	4	6	9	41	118
NEBRASKA	176	1	1	1	4	2	10	17	214
NEVADA	33	2	1	3	3	1	13	48	103
NEW HAMPSHIRE	73	0	0	0	0	0	0	0	73
NEW JERSEY	935	6	18	41	87	70	84	261	1,917
NEW MEXICO	285	0	0	0	4	1	1	14	319
NEW YORK N	218	18	14	24	37	43	53	154	596
NEW YORK E	2,813	45	47	124	198	144	110	648	3,194
NEW YORK S	2,093	32	27	44	68	76	78	342	2,744
NEW YORK W	228	17	19	22	45	91	45	138	595
N CAROLINA E	181	2	0	1	9	8	6	27	241
N CAROLINA M	135	5	1	5	6	5	8	31	147
N CAROLINA W	111	0	1	3	6	3	8	17	147
NORTH DAKOTA	31	1	1	4	2	2	4	23	88
OHIO N	796	25	40	54	100	80	133	348	1,576
OHIO S	1,054	4	2	7	7	16	21	160	1,271
OKLAHOMA N	86	3	9	14	31	22	36	96	319
OKLAHOMA E	101	1	1	1	1	4	2	14	125
OKLAHOMA W	338	4	3	6	17	9	30	116	523
OREGON	444	1	3	1	3	3	18	80	454
PENNSYLVANIA E	643	20	22	47	77	80	74	227	1,130
PENNSYLVANIA M	322	1	1	2	2	1	4	14	948
PENNSYLVANIA W	138	5	2	8	8	13	27	81	306
PUERTO RICO	701	2	0	9	18	15	31	85	891
RHODE ISLAND	88	1	2	4	4	9	24	44	181
S CAROLINA	370	4	7	20	34	28	49	292	1,004
S DAKOTA	80	2	2	3	8	2	3	47	157
TENNESSEE E	218	5	2	3	4	2	4	28	268
TENNESSEE M	148	0	0	0	1	3	4	32	192
TENNESSEE W	123	1	0	0	3	1	3	18	149
TEXAS N	478	9	6	17	28	25	27	104	701
TEXAS E	262	3	2	7	3	7	10	43	341
TEXAS S	541	8	3	12	17	14	31	147	775
TEXAS W	118	3	4	3	10	13	19	68	442
UTAH	173	0	2	5	11	7	10	57	265
VERMONT	83	0	1	2	4	7	8	29	134
VIRGINIA E	335	5	12	16	31	22	22	146	889
VIRGINIA W	1,040	3	9	7	6	8	3	67	1,143
WASHINGTON E	94	3	1	0	2	4	8	30	133
WASHINGTON W	361	3	2	10	13	12	19	155	573
WEST VIRGINIA N	218	2	2	4	7	2	1	4	240
WEST VIRGINIA S	1,550	7	4	8	11	8	11	78	1,078
WISCONSIN E	300	7	4	22	43	32	43	138	619
WISCONSIN W	464	0	1	1	3	0	0	4	493
WYOMING	42	0	0	2	2	3	2	17	68
CANAL ZONE	1	0	0	0	0	1	0	2	4
GUAM	24	0	1	0	0	0	1	3	31
VIRGIN ISLANDS	61	4	1	2	3	4	4	17	78
TOTALS	27,214	933	625	1,108	1,683	1,393	1,973	8,167	94,932

1/ EXCLUDES LAND CONDEMNATION CASES

TABLE 17

CIVIL MATTERS PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1970 1/
AGED BY DATE RECEIVED

JUDICIAL DISTRICTS	LESS THAN SIX MONTHS	SIX MONTHS TO ONE YEAR	ONE TO TWO YEARS	TWO TO THREE YEARS	THREE TO FOUR YEARS	FOUR TO FIVE YEARS	FIVE OR MORE YEARS	TOTAL
ALABAMA N	45	7	5	1			2	58
ALABAMA M	11	5	1	1				19
ALABAMA S	15	17	17	1	1	1	1	49
ALASKA	1	2	4	6	4	8	8	33
ARIZONA	55	19	15	5	4			94
ARKANSAS E	19	8	5	1		1	1	77
ARKANSAS W		1		1	1			5
CALIF N	105	77	51	47	57	51	55	399
CALIF C	264	119	84	59	25	4	19	574
CALIF E	51	19	22	6	6	5	8	114
CALIF S	65	25	6	7		1		104
COLORADO	111	35	19	11	17	4	11	206
CONNECTICUT	10	6	4	2	1		1	24
DELAWARE	15	2	7	2	2	1	5	52
DIST OF COLUMBIA	36	11	55	8			12	100
FLORIDA N	26	10	4	1	1		2	44
FLORIDA M	74	26	48	18	9	7	11	195
FLORIDA S	134	98	68	44	17	18	15	386
GEORGIA N	58	40	68	55	10	25	15	267
GEORGIA M	14	5	2	1		1		25
GEORGIA S	58	28	20	14	8		1	107
HAWAII				1	4	1	5	11
IDAHO	15	1	1		1		1	19
ILLINOIS N	74	78	102	57	20	8	18	371
ILLINOIS E	29	11	15	25	16	8	10	112
ILLINOIS S	20	4	5	5	1		1	36
INDIANA N	6	5	5	5	5		4	24
INDIANA S	51	5	5	5	1		1	30
IOWA N	15	9	8					30
IOWA S	11	2	2					15
KANSAS	15	5	7		1		1	29
KENTUCKY E	382	221	145	24	48	1	8	829
KENTUCKY W	58	17	25	56	17	9	4	186
LOUISIANA E	44	10	7					87
LOUISIANA M	10	6	20	10	6	1		53
LOUISIANA W	44	11	14		2	2	1	74
MAINE	6	5	8	6	7	1	4	57
MARYLAND	87	40	41	9	1	8	6	192
MASSACHUSETTS	38	28	14	25	11	10	24	150
MICHIGAN E	52	9	14	10	4	2	9	90
MICHIGAN W	9	5		2			7	23
MINNESOTA	68	11	16	21	4	4	5	121
MISSISSIPPI N	5	1	5	1		1		11
MISSISSIPPI S	6	1		1	1		8	12
MISSOURI E	52	22	15	4	3		4	100
MISSOURI W	55	9	6	8	4	1	2	65
MONTANA	10	5	2			1		18
NEBRASKA	24	1	7	2	4			38
NEVADA		1		4			4	9
NEW HAMPSHIRE	6	2	1	1			2	12
NEW JERSEY	125	44	58	16	7	4	7	247
NEW MEXICO	59	62	55	15	6	1	2	176
NEW YORK N	55	24	17	5	2	6	2	89
NEW YORK E	104	25	29	54	501	17	26	730
NEW YORK S	90	48	81	49	44	50	159	521
NEW YORK W	59	27	52	14	8	2	9	145
N CAROLINA E	8		7	1				16
N CAROLINA M	1	1	7	2	1	2	1	15
N CAROLINA W	12	5	7	2		2		28
NORTH DAKOTA	11	9	2	2	6		2	32
OHIO N	72	58	36	59	5	4	28	228
OHIO S	64	25	19	4	1		8	118
OKLAHOMA N	20	7	8	17	6	8	8	67
OKLAHOMA E	1	1		1	1			4
OKLAHOMA W	22	11	9	27	7	5	1	80
OREGON	21	7	5	4			1	38
PENNSYLVANIA E	79	67	60	20	11	4	4	245
PENNSYLVANIA M	52	12			8	1		78
PENNSYLVANIA W	77	15	12	5	22		1	150
PUERTO RICO					11	5	52	68
RHODE ISLAND	4	8	8	12				32
S CAROLINA	152	85	34	17	5		5	276
S DAKOTA	4	1	4	2	2			15
TENNESSEE E	91	15	5	5	2	2	4	82
TENNESSEE M	4	4	2	2	4	5		19
TENNESSEE W	17	9	12	7	2	5		50
TEXAS N	89	17	16	9	4	2	5	140
TEXAS E	19	12	18	7	4	5	6	67
TEXAS S	183	57	57	8	2	5	7	293
TEXAS W	56	18	9	2	1	4	1	91
UTAH	12	6	5	4	1	1	5	32
VERMONT	6	1	2			1	4	14
VIRGINIA E	54	56	27	17	2	5	5	166
VIRGINIA W	5	7	29	2	507	24	1	575
WASHINGTON E	25	6	6	4	2	2	6	51
WASHINGTON W	59	30	36	11	6	1	6	147
WEST VIRGINIA N	20	6	4	5	17		1	53
WEST VIRGINIA S	192	145	62	171	115	1	5	871
WISCONSIN E	38	27	11	11	2	5	8	98
WISCONSIN W	11	10	9	15	8	1		49
WYOMING	8	5	5	1				19
GUAM	2		2					4
VIRGIN ISLANDS	2		2	4		1	17	26
TOTAL	4190	1901	1652	1110	1422	295	630	11270

1/ EXCLUDES LAND ACQUISITION CASES.

TABLE 5B

CIVIL CASES PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1976 BY AMOUNT RANGE

JUDICIAL DISTRICT	NON-MONETARY 1/	$1 TO $250	$251 TO $500	$501 TO $1,000	$1,001 TO $2,500	$2,501 TO $5,000	$5,001 TO $10,000	$10,001 AND ABOVE	TOTAL
ALABAMA N	451	5	9	10	17	10	7	50	551
ALABAMA M	45	2	1	1	1	5	1	12	68
ALABAMA S	43	0	0	1	3	1	5	14	73
ALASKA	140	0	2	2	4	12	8	25	193
ARIZONA	260	0	2	5	4	5	9	73	359
ARKANSAS E	130	2	7	14	29	21	31	93	347
ARKANSAS W	165	4	2	5	9	9	19	45	256
CALIF N	789	20	9	38	93	50	44	340	1,245
CALIF C	897	22	10	20	43	24	45	503	1,572
CALIF E	317	5	7	11	51	17	20	244	680
CALIF S	144	9	4	2	13	11	15	136	333
COLORADO	118	9	4	19	23	17	25	710	519
CONNECTICUT	719	3	8	15	52	46	44	103	910
DELAWARE	110	0	2	4	5	4	8	35	179
DIST OF COLUMBIA	1,097	5	2	7	5	9	8	68	1,701
FLORIDA M	109	1	4	1	10	9	9	59	202
FLORIDA N	333	4	10	12	32	29	42	199	654
FLORIDA S	921	19	22	29	52	50	55	211	1,053
GEORGIA N	969	3	10	8	1	2	9	43	766
GEORGIA M	104	1	1	5	2	9	0	12	151
GEORGIA S	97	9	3	7	7	2	7	42	191
HAWAII	109	1	5	5	1	9	5	72	285
IDAHO	99	0	0	5	11	4	10	70	190
ILLINOIS N	1,720	54	44	94	144	97	95	385	2,767
ILLINOIS S	393	1	0	4	9	2	9	31	438
ILLINOIS S	187	2	4	5	5	0	9	34	251
INDIANA N	130	4	4	14	29	51	23	716	360
INDIANA S	281	5	7	15	29	28	21	100	503
IOWA N	41	4	2	4	3	5	9	28	99
IOWA S	92	0	1	0	2	5	4	20	150
KANSAS	214	2	9	12	12	19	19	129	471
KENTUCKY E	2,295	58	72	51	60	29	36	103	2,974
KENTUCKY W	304	1	7	9	17	11	23	93	462
LOUISIANA S	265	4	5	15	12	10	24	195	500
LOUISIANA M	128	2	0	1	1	0	5	24	195
LOUISIANA W	218	5	5	17	12	14	10	701	389
MAINE	53	0	2	1	4	5	10	68	744
MARYLAND	471	0	2	0	11	11	17	70	798
MASSACHUSETTS	178	17	1	35	34	25	37	102	807
MICHIGAN E	749	13	15	71	12	16	19	137	1,002
MICHIGAN W	276	5	5	2	9	2	5	66	370
MINNESOTA	197	7	14	20	27	15	8	97	541
MISSISSIPPI N	91	0	1	0	5	3	9	17	117
MISSISSIPPI S	193	1	1	3	5	10	7	66	286
MISSOURI E	209	0	0	3	4	11	5	28	256
MISSOURI M	465	2	1	3	0	7	7	15	500
MONTANA	33	1	0	5	4	9	5	41	119
NEBRASKA	119	1	1	1	4	2	10	17	214
NEVADA	77	2	1	5	3	1	13	49	193
NEW HAMPSHIRE	10	0	0	0	0	0	0	0	75
NEW JERSEY	935	9	10	41	97	70	89	267	1,517
NEW MEXICO	295	0	0	0	4	1	1	14	515
NEW YORK N	219	10	14	24	57	63	55	154	596
NEW YORK E	2,013	45	47	124	199	149	110	468	3,154
NEW YORK S	2,090	52	27	44	98	76	78	343	2,744
NEW YORK W	220	17	10	22	45	51	43	136	555
N CAROLINA E	191	2	0	1	9	5	9	27	241
N CAROLINA M	140	3	1	5	9	5	0	31	707
N CAROLINA W	111	0	1	3	4	3	0	17	147
NORTH DAKOTA	31	1	1	4	2	2	4	23	98
OHIO N	794	23	40	94	100	88	133	348	1,514
OHIO S	1,054	4	2	7	7	19	21	160	1,271
OKLAHOMA N	94	5	9	14	31	22	59	99	319
OKLAHOMA S	101	1	1	1	1	4	2	14	125
OKLAHOMA W	730	4	2	9	17	9	50	119	923
OREGON	344	1	3	1	3	3	10	85	454
PENNSYLVANIA S	683	20	22	47	77	90	74	227	1,130
PENNSYLVANIA M	344	1	1	2	2	1	4	10	969
PENNSYLVANIA W	358	9	2	9	9	13	27	81	506
PUERTO RICO	701	2	0	3	10	13	31	95	851
RHODE ISLAND	81	1	2	4	9	9	24	99	181
S CAROLINA	570	4	7	20	59	20	49	292	1,000
S DAKOTA	98	2	2	3	9	2	5	47	197
TENNESSEE E	214	5	2	3	4	2	4	20	299
TENNESSEE M	140	0	0	0	1	5	4	32	182
TENNESSEE W	143	1	0	0	1	3	7	3	10	149
TEXAS N	419	9	4	17	29	25	27	194	781
TEXAS E	262	5	2	7	3	7	10	45	341
TEXAS S	581	8	3	12	17	19	31	147	775
TEXAS W	338	3	4	5	70	15	19	98	642
UTAH	117	0	2	5	11	7	10	57	205
VERMONT	93	0	7	2	4	7	0	29	154
VIRGINIA E	333	5	12	19	31	22	22	146	600
VIRGINIA W	1,040	3	9	7	4	9	5	97	1,163
WASHINGTON E	99	5	1	5	2	4	9	38	153
WASHINGTON W	361	3	2	10	13	12	19	155	575
WEST VIRGINIA N	218	2	2	4	7	2	1	4	240
WEST VIRGINIA S	1,550	1	9	8	11	8	11	79	1,078
WISCONSIN E	300	7	5	22	43	32	45	150	610
WISCONSIN W	444	0	1	1	3	0	0	4	453
WYOMING	42	0	0	2	2	3	2	17	98
CANAL ZONE	1	0	0	0	0	1	0	2	4
GUAM	24	0	1	0	0	0	1	3	31
VIRGIN ISLANDS	41	4	1	2	3	4	9	6	70
TOTALS	37,419	575	625	1,100	1,807	1,595	1,973	9,197	54,532

1/ EXCLUDES LAND CONDEMNATION CASES

TABLE 19

CIVIL MATTERS PENDING IN UNITED STATES ATTORNEYS OFFICES AS OF JUNE 30, 1970 BY AMOUNT RANGE 1/

JUDICIAL DISTRICT	NON-MONETARY	$1 TO $250	$251 TO $500	$501 TO $1,000	$1,001 TO $2,500	$2,501 TO $5,000	$5,001 TO $10,000	$10,001 AND ABOVE	TOTAL
ALABAMA N	33	0	1	5	0	4	2	5	50
ALABAMA M	10	1	0	1	1	2	0	0	15
ALABAMA S	17	1	7	5	11	5	2	0	48
ALASKA	12	2	2	5	3	2	2	4	33
ARIZONA	60	0	2	3	3	2	1	3	84
ARKANSAS E	6	0	1	0	5	2	3	15	32
ARKANSAS W	0	0	0	1	1	0	0	1	2
CALIF N	238	4	8	20	43	22	15	47	397
CALIF C	112	7	27	74	101	95	39	159	574
CALIF E	21	4	4	11	19	12	12	20	114
CALIF S	48	0	1	5	17	12	6	9	104
COLORADO	58	2	15	21	28	18	12	48	206
CONNECTICUT	18	1	0	1	0	0	1	2	24
DELAWARE	17	1	2	2	4	1	0	4	32
DIST OF COLUMBIA	75	0	2	5	2	2	0	0	100
FLORIDA N	9	1	1	8	2	2	4	22	44
FLORIDA M	95	4	8	15	17	6	7	45	197
FLORIDA S	172	18	8	22	16	15	19	118	286
GEORGIA N	184	2	18	18	18	8	2	18	267
GEORGIA M	21	0	0	1	0	0	0	3	25
GEORGIA S	99	5	3	2	17	0	0	8	107
HAWAII	6	0	0	1	2	0	0	2	11
IDAHO	10	0	0	2	1	0	0	5	15
ILLINOIS N	203	12	8	18	95	8	3	21	281
ILLINOIS E	70	1	2	4	9	5	8	14	112
ILLINOIS S	14	0	2	4	3	2	2	7	34
INDIANA N	9	0	0	5	6	2	1	1	24
INDIANA S	20	2	0	2	6	3	2	15	50
IOWA N	7	1	0	2	5	2	2	11	30
IOWA S	7	1	1	1	1	1	0	3	15
KANSAS	7	0	0	0	6	2	1	9	25
KENTUCKY E	26	322	180	160	84	18	12	22	828
KENTUCKY W	27	14	12	22	18	10	51	51	188
LOUISIANA E	86	2	1	1	6	2	3	12	89
LOUISIANA M	40	3	0	1	2	0	0	6	52
LOUISIANA W	41	0	2	8	5	2	2	15	76
MAINE	1	4	3	5	6	1	1	16	37
MARYLAND	150	0	1	0	5	4	7	16	182
MASSACHUSETTS	67	4	5	9	14	9	8	21	158
MICHIGAN E	77	1	2	2	6	1	2	4	96
MICHIGAN W	6	0	0	5	6	1	0	5	23
MINNESOTA	73	1	2	8	13	11	6	7	521
MISSISSIPPI N	6	0	1	2	1	1	0	2	11
MISSISSIPPI S	3	0	0	3	1	1	1	2	12
MISSOURI E	50	2	1	8	12	8	0	15	100
MISSOURI W	28	0	1	6	2	4	6	8	65
MONTANA	3	2	0	0	3	1	3	8	18
NEBRASKA	25	0	1	2	1	2	3	4	28
NEVADA	1	0	1	5	0	0	1	1	9
NEW HAMPSHIRE	9	0	0	3	1	0	1	2	12
NEW JERSEY	193	2	2	8	8	10	7	17	243
NEW MEXICO	190	0	1	6	6	4	2	3	370
NEW YORK N	40	2	2	15	6	5	5	14	89
NEW YORK E	826	1	7	12	19	10	28	36	720
NEW YORK S	262	7	16	25	39	23	19	59	451
NEW YORK W	79	4	4	10	10	6	15	17	145
N CAROLINA E	12	1	1	0	0	0	0	2	18
N CAROLINA M	6	2	0	3	1	2	0	1	15
N CAROLINA W	9	0	0	3	6	2	2	6	28
NORTH DAKOTA	9	0	2	4	2	2	3	8	30
OHIO N	85	12	10	18	24	14	22	55	220
OHIO S	42	8	0	3	3	6	4	32	98
OKLAHOMA N	6	0	3	7	17	3	18	18	83
OKLAHOMA E	1	1	0	0	1	1	0	0	4
OKLAHOMA W	28	0	3	0	7	0	0	24	80
OREGON	20	0	3	1	3	1	0	8	36
PENNSYLVANIA E	109	21	15	25	12	11	17	24	245
PENNSYLVANIA M	25	12	5	4	7	5	2	12	72
PENNSYLVANIA W	37	24	12	11	10	5	6	15	130
PUERTO RICO	10	2	5	4	10	7	3	5	46
RHODE ISLAND	7	13	1	2	0	2	0	1	22
S CAROLINA	46	5	5	8	8	10	10	100	278
S DAKOTA	3	1	1	1	3	1	0	2	12
TENNESSEE E	10	24	0	10	14	2	1	10	82
TENNESSEE M	14	0	1	0	1	0	0	3	19
TENNESSEE W	14	2	0	3	4	0	7	7	50
TEXAS N	65	3	4	13	14	6	1	10	140
TEXAS E	49	1	1	4	4	3	4	8	87
TEXAS S	244	0	0	4	5	2	2	11	293
TEXAS W	46	0	1	4	4	0	0	14	91
UTAH	9	1	0	4	7	2	4	5	92
VERMONT	3	0	0	0	0	1	1	3	14
VIRGINIA E	61	1	1	10	19	5	8	37	144
VIRGINIA W	7	144	81	60	87	14	11	4	379
WASHINGTON E	18	1	4	3	4	1	6	19	51
WASHINGTON W	77	16	8	7	9	10	3	15	147
WEST VIRGINIA N	16	10	8	8	7	1	2	1	52
WEST VIRGINIA S	13	229	141	116	86	27	29	22	671
WISCONSIN E	40	3	3	9	15	8	1	11	90
WISCONSIN W	47	1	0	0	0	0	0	1	48
WYOMING	7	2	0	0	3	1	0	2	15
CANAL ZONE	0	0	0	0	0	0	0	0	0
GUAM	3	0	0	0	0	0	0	1	4
VIRGIN ISLANDS	1	10	2	2	2	1	2	0	24
TOTALS	4,015	1,007	712	942	1,050	500	528	1,607	11,270

1/ EXCLUDES LAND CONDEMNATION CASES

TABLE 20

CIVIL CASES PENDING 1/
FISCAL YEAR 1976

CAUSE OF ACTION	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
ADMIRALTY	79	3,477,525	190	117,602,675	11	2,829,506	280	123,909,706
CONTRACT ACTIONS	141	35,872,917	216	65,559,501	93	5,545,819	452	100,776,037
NEGOTIABLE INSTRUMENTS	427	29,071,593	206	4,076,365	96	5,677,042	729	58,825,000
FRAUDS	136	22,946,131	10	209,505	3		149	23,155,636
ENFORCEMENT	652	11,606,456	1,537	40,342,955	577	6,410,562	2,566	56,559,775
NARCOTIC ADDICT								
REHABILITATION ACT/1966	15				49		64	
FORFEITURES	992	13,035,327	42	55,264	66	74,700	1,100	13,163,291
LAND REAL PROPERTY	363	7,224,703	598	65,855,978	98	4,559,890	1,059	77,620,571
PENALTIES	249	19,509,101	12	70,361	16	39,690	277	19,619,152
TAX OTHER THAN LIEN	1,035	160,669,536	2,566	181,107,859	441	10,984,200	4,042	352,761,595
TAX LIEN	157	61,850,179	8,219	150,488,955	421	6,962,244	8,777	221,281,558
TORTS	107	5,572,256	4,624	3,193,484,386	201	60,340,661	5,152	5,259,597,325
VETERANS	49	67,169	56	2,154,900	63	4,214	170	2,226,505
HABEAS CORPUS	56		1,475		278		1,607	
CIVIL RIGHTS/1964	184	1,500,000	502	20,792,546	119	54,550,000	805	56,442,546
ADMIRALTY 2/	152	776,546	27	6,584,227	5		184	7,560,573
GENERAL CLAIMS 2/	2,584	79,282,565	234	15,271,110	272	5,778,666	3,090	98,552,541
NOAT. FACL. U.S. LIENOR 2/	508	50,223,229	516	7,302,145	49	517,214	1,073	57,842,586
JUD FORECLOSURE/GOVT 2/	575	90,417,216	32	52,804	1	26,214	606	90,496,234
INJUNCTIONS 2/	16	112,136	4		2		22	112,156
MISCELLANEOUS	5,009	183,914,541	15,994	669,554,663	5,145	153,581,365	22,146	1,006,850,567
TOTALS	11,466	774,906,946	57,262	4,536,365,959	5,804	297,261,825	54,532	5,606,554,732

1/ EXCLUDES LAND ACQUISITION CASES BUT INCLUDES UNITED STATES CIVIL CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS.
2/ DELEGATED CIVIL DIVISION CASES.

TABLE 21

CIVIL CASES FILED 1/
FISCAL YEAR 1976

CAUSE OF ACTION	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
ADMIRALTY	52	2,051,629	134	102,865,016	4		190	104,916,645
CONTRACT ACTIONS	77	10,224,256	184	24,695,203	73	3,083,043	334	38,002,502
NEGOTIABLE INSTRUMENTS	388	15,636,741	160	2,424,746	72	2,480,554	620	20,542,041
FRAUDS	103	3,988,551	6	208,438	1		107	4,196,989
ENFORCEMENT	925	358,042	1,343	15,737,927	358	17,358,374	2,626	33,454,343
NARCOTIC ADDICT REHABILITATION ACT/1966	30		3		145		178	
FORFEITURES	1,540	8,498,789	41	51,651	75	79,400	1,656	8,639,840
LAND REAL PROPERTY	259	1,254,501	374	27,948,906	67	5,510,000	700	34,713,407
PENALTIES	339	17,483,134	8	761	23	41,450	370	17,525,345
TAX OTHER THAN LIEN	695	30,516,969	1,439	78,765,802	219	6,605,875	2,353	115,888,646
TAX LIEN	78	49,799,784	6,310	63,755,265	275	3,704,028	6,663	117,259,077
TORTS	85	3,363,294	3,287	2,012,762,540	145	29,987,545	3,517	2,046,113,379
VETERANS	53	41,130	54	2,793,773	67	19,164	174	2,854,067
HABEAS CORPUS	89		2,623		437		3,149	
CIVIL RIGHTS/1964	138	1,300,000	375	61,187,059	54	33,761,569	567	96,248,628
ADMIRALTY 2/	169	934,017	25	1,591,201	1		195	2,525,218
GENERAL CLAIMS 2/	2,685	46,652,636	177	3,789,879	184	3,098,587	3,046	53,541,102
MORT. FRCL. U.S. LIENOR 2/	610	30,516,060	505	3,188,265	51	76,051	1,166	33,780,376
JUD FORECLOSURE/GOVT 2/	898	47,654,548	31	74,981	1	26,214	930	47,755,743
INJUNCTIONS 2/	17	67,959	3		1		21	67,959
MISCELLANEOUS	3,158	87,998,425	14,255	401,140,093	2,903	210,330,980	20,316	699,469,498
TOTALS	12,385	358,340,465	31,337	2,802,991,506	5,156	316,162,834	48,878	3,477,494,805

1/ EXCLUDES LAND ACQUISITION CASES BUT INCLUDES UNITED STATES CIVIL CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS.
2/ DELEGATED CIVIL DIVISION CASES.

TABLE 22

CIVIL CASES TERMINATED 1/
FISCAL YEAR 1976

CAUSE OF ACTION	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
ADMIRALTY	57	1,196,672	117	38,756,113	8	1,371,645	182	41,524,428
CONTRACT ACTIONS	38	9,408,611	146	26,391,138	32	1,273,208	236	37,072,977
NEGOTIABLE INSTRUMENTS	332	11,493,122	115	3,369,179	46	1,370,180	493	16,432,481
FRAUDS	81	3,372,254	3	1,726,115	1	204,482	87	5,302,849
ENFORCEMENT	827	4,665,036	1,107	33,769,198	124	12,659,716	2,038	31,091,950
NARCOTIC ADDICT REHABILITATION ACT/1966	28		4		180		212	
FORFEITURES	1,502	28,931,765	51	68,187	17	6,130	1,570	29,006,102
LAND REAL PROPERTY	114	2,498,045	401	42,499,714	38	1,232,911	375	46,230,670
PENALTIES	349	88,969,305	8	29,000	7	1,760	364	89,000,063
TAX OTHER THAN LIEN	475	18,078,327	1,309	74,119,577	159	36,509,614	1,943	148,507,718
TAX LIEN	76	1,370,304	3,114	42,208,341	121	3,294,678	3,311	47,075,523
TORTS	80	4,096,133	1,932	832,179,264	144	5,224,987	2,156	867,500,586
VETERANS	58	77,238	52	782,573	60	24,221	150	884,032
HABEAS CORPUS	39		2,615		392		3,046	
CIVIL RIGHTS/1964	118	100,000	226	51,033,656	29	36,301,569	373	67,437,225
ADMIRALTY 2/	108	743,520	25	1,379,134	3	200,000	154	2,324,454
GENERAL CLAIMS 2/	2,476	41,003,142	153	7,466,500	167	2,897,141	2,796	51,366,783
REAL PROP. U.S. LIENOR 2/	300	10,923,526	417	13,392,504	15	12,945	930	24,330,975
JUD FORECLOSURE/GOVT 2/	919	41,346,886	24	90,947			943	41,437,835
INJUNCTIONS 2/	16	13,973	5		1		22	13,975
MISCELLANEOUS	2,372	87,473,662	8,221	397,479,142	1,829	208,693,302	12,422	693,646,106
TOTALS	10,805	555,963,323	22,025	1,566,942,300	3,393	357,278,507	36,225	2,280,184,332

1/ EXCLUDES LAND ACQUISITION CASES BUT INCLUDES UNITED STATES CIVIL CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS.
2/ DELEGATED CIVIL DIVISION CASES.

TABLE 23

CIVIL MATTERS PENDING 1/
FISCAL YEAR 1976

CAUSE OF ACTION	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
ADMIRALTY	13	15,436	3	55,000			16	70,436
CONTRACT ACTIONS	77	2,076,154	9	3,732	19	281,175	105	2,361,061
NEGOTIABLE INSTRUMENTS	265	6,320,481	8	213,004	21	1,074,272	294	7,607,757
FRAUDS	435	10,458,127	5	867	4		444	10,458,994
ENFORCEMENT	990	1,017,142	12		13		1,015	1,017,142
NARCOTIC ADDICT								
REHABILITATION ACT/1966	3				16		19	
FORFEITURES	619	4,228,056	14	13,650	13	13,624	646	4,255,330
LAND REAL PROPERTY	50	272,117	15		18	1,104	83	273,221
PENALTIES	883	20,720,876	1	1,200	5	138,288	889	20,860,364
TAX OTHER THAN LIEN	286	14,509,553	36	286,062	72	533,133	394	15,328,748
TAX LIEN	23	798,787	39	199,688	17	201,222	79	1,199,697
TORTS	85	2,202,248	109	15,255,732	24	53,284	218	17,511,264
VETERANS	78	113,252	2	762	36	1,781	116	115,795
HABEAS CORPUS	2		28		18		48	
CIVIL RIGHTS/1964	204		19	110	11	33,836	234	33,946
ADMIRALTY 2/	289	13,942,348	4	4,855	2	300	295	13,947,503
GENERAL CLAIMS 2/	2,720	44,198,626	56	310,617	142	3,067,837	2,918	47,577,080
MORT. FRCL. U.S. LIENOR 2/	262	14,321,231	24		1		287	14,321,231
JUD FORECLOSURE/GOVT 2/	286	9,282,397	5	65,099			291	9,347,496
INJUNCTIONS 2/	5	1,588					5	1,586
MISCELLANEOUS	2,134	23,876,749	330	4,283,059	418	12,760,951	2,882	40,920,759
TOTALS	9,709	168,355,168	719	20,693,437	850	18,160,807	11,278	207,209,412

1/EXCLUDES LAND ACQUISITION MATTERS.
2/DELEGATED CIVIL DIVISION MATTERS.

TABLE 24

CIVIL MATTERS RECEIVED [1]
FISCAL YEAR 1976

CAUSE OF ACTION	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
ADMIRALTY	67	1,156,880	135	97,820,016	4		206	98,956,896
CONTRACT ACTIONS	120	10,010,577	185	24,665,357	88	3,194,522	395	57,870,656
NEGOTIABLE INSTRUMENTS	542	16,542,752	165	2,538,719	82	2,601,527	789	21,682,998
FRAUDS	371	6,878,491	9	208,481	5		585	7,086,972
ENFORCEMENT	1,572	569,784	1,351	15,757,927	368	17,558,374	5,291	55,666,085
NARCOTIC ADDICT								
REHABILITATION ACT/1966	28		5		140		171	
FORFEITURES	1,791	5,129,457	53	75,751	87	95,024	1,931	5,296,232
LAND REAL PROPERTY	283	1,157,073	375	27,950,556	75	5,510,000	735	54,597,729
PENALTIES	857	59,442,866	10	1,761	29	179,563	895	59,625,990
TAX OTHER THAN LIEN	779	33,591,968	1,456	78,693,188	220	6,917,598	2,455	119,002,754
TAX LIEN	81	49,576,188	6,525	65,700,156	278	5,709,134	6,684	116,985,478
TORTS	155	2,900,165	3,582	2,017,166,241	161	30,024,541	3,708	2,050,090,945
VETERANS	105	124,326	55	2,785,773	84	17,596	240	2,925,695
HABEAS CORPUS	93		2,649		435		3,177	
CIVIL RIGHTS/1964	587	1,300,000	379	61,187,059	60	55,795,405	826	96,282,464
ADMIRALTY [2]	486	1,555,525	28	1,596,056	5	300	517	2,949,881
GENERAL CLAIMS [2]	5,955	58,654,408	202	3,900,969	247	4,874,833	4,402	67,410,210
MORT. FRCL. U.S. LIENOR [2]	696	37,408,664	517	3,188,265	51	17,100	1,264	40,614,029
JUD FORECLOSURE/GOVT [2]	1,138	45,444,995	35	125,154	1	26,214	1,174	45,596,565
INJUNCTIONS [2]	21	60,857	5		1		25	60,857
MISCELLANEOUS	4,195	99,802,010	14,508	394,552,322	3,259	219,850,329	21,960	714,004,651
TOTALS	17,726	430,845,584	31,821	2,795,689,851	5,678	328,169,660	55,225	5,554,704,895

1/EXCLUDES LAND ACQUISITION MATTERS.
2/DELEGATED CIVIL DIVISION MATTERS.

TABLE 23

CIVIL MATTERS TERMINATED OTHER THAN BY REACHING COURT DOCKETS 1/
FISCAL YEAR 1976

CAUSE OF ACTION	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
ADMIRALTY	18	7,760	2				20	7,760
CONTRACT ACTIONS	39	1,493,367	1		6	142,728	46	1,636,095
NEGOTIABLE INSTRUMENTS	86	2,529,638			9	166,450	95	2,696,108
FRAUDS	217	2,979,726	3	4,070	3		223	2,983,796
ENFORCEMENT	260	89,891	5		4		269	89,891
NARCOTIC ADDICT								
REHABILITATION ACT/1966	1				18		19	
FORFEITURES	187	2,470,135	3	9,200	6		198	2,479,335
LAND REAL PROPERTY	33	33,964	12	1,730	2	14,073	47	49,787
PENALTIES	362	26,918,799	3	4,000	2	1,000	369	26,923,799
TAX OTHER THAN LIEN	86	1,004,078	16	373,948	23	113,790	125	1,493,816
TAX LIEN	5	101,245	18	1,920	7	6,104	30	109,269
TORTS	41	97,280	33	1,270,669	13	168,424	107	1,536,373
VETERANS	37	32,060	4		36		77	32,060
HABEAS CORPUS	3		19				22	
CIVIL RIGHTS/1964	300		10		5		313	
ADMIRALTY 2/	277	180,538					277	180,338
GENERAL CLAIMS 2/	871	8,630,873	18	166,041	42	1,462,105	931	10,279,019
MORT. FRCL. U.S. LIENS 2/	76	1,018,087	2	24,000	3	1,042	79	1,043,129
JUD FORECLOSURE/GOVT 2/	222	2,564,024					222	2,564,024
INJUNCTIONS 2/	1						1	
MISCELLANEOUS	814	13,919,818	214	776,640	208	20,161,717	1,228	34,838,173
TOTALS	3,934	64,091,343	387	2,632,238	379	22,239,433	4,700	88,963,014

1/EXCLUDES LAND ACQUISITION MATTERS.
2/DELEGATED CIVIL DIVISION MATTERS.

TABLE 26

CIVIL CASES FILED 1/
FISCAL YEAR 1976

AGENCY INVOLVED	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
AGRICULTURE	2,719	53,503,497	795	38,722,255	136	1,479,573	3,650	93,705,325
COMMERCE	18	1,981,474	55	9,663,000	10	5,295,580	83	16,940,054
DEFENSE	442	4,526,677	1,929	436,380,588	755	41,517,260	3,126	482,424,725
HEALTH,EDUCATION AND WELFARE	665	2,689,897	9,818	38,611,386	773	27,655,850	11,256	68,957,133
HOUSING & URBAN DEVELOPMENT	384	85,010,193	791	26,048,950	148	2,955,436	1,323	114,014,579
INTERIOR	310	8,248,973	315	93,724,866	47	6,620,600	672	108,594,439
JUSTICE	1,095	5,523,080	4,902	476,538,596	884	27,918,238	6,881	509,979,914
LABOR	434	268,982	216	24,593,294	137	26,506	787	24,888,782
POST OFFICE	83	3,005,826	864	162,643,695	303	57,100,126	1,250	222,749,647
STATE	11	153,846	32	15,001,360	231	22,027,644	274	37,182,850
TRANSPORTATION	322	4,839,717	552	906,041,086	43	1,020,899	917	911,901,702
TREASURY EXCL OF IRS	477	22,848,444	302	57,733,070	61	2,365,677	840	82,947,191
INTERNAL REVENUE	1,759	86,985,966	8,352	264,458,550	962	21,277,031	11,073	372,721,547
GENERAL ACCT OFFICE	670	4,363,766	12	19,178	24	974,218	706	5,357,162
VETERAN ADMINISTRATION	925	7,417,463	572	146,142,912	124	3,505,467	1,621	157,065,842
OTHER	2,071	66,972,464	1,830	106,668,720	518	94,422,729	4,419	268,063,913
TOTAL:	12,385	358,340,465	31,337	2,802,991,506	5,156	316,162,834	48,878	3,477,494,805

1/INCLUDES U.S. CIVIL CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS.

TABLE 27

CIVIL MATTERS RECEIVED 1/
FISCAL YEAR 1976

AGENCY INVOLVED	U.S. PLAINTIFF		U.S. DEFENDANT		OTHER DESIGNATION		TOTAL	
	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT
AGRICULTURE	3,326	59,333,865	838	38,911,934	175	1,789,809	4,339	100,035,608
COMMERCE	32	2,127,951	55	4,663,000	13	5,295,580	100	12,086,531
DEFENSE	794	5,891,497	2,026	434,179,642	846	41,586,685	3,666	481,657,824
HEALTH, EDUCATION AND WELFARE	996	4,545,989	9,825	38,841,882	789	27,661,448	11,610	71,049,319
HOUSING & URBAN DEVELOPMENT	397	85,688,713	807	26,177,737	160	13,250,761	1,364	125,117,211
INTERIOR	1,669	9,054,187	333	87,287,573	60	6,679,000	2,062	103,020,760
JUSTICE	1,669	7,355,491	5,031	478,443,906	1,022	27,954,320	7,722	513,753,717
LABOR	485	148,309	222	24,558,294	163	26,663	870	24,773,266
POST OFFICE	140	3,207,940	892	162,633,794	339	57,102,923	1,351	222,944,657
STATE	18	215,653	62	23,015,569	243	22,027,644	323	45,258,866
TRANSPORTATION	663	3,598,599	562	900,942,086	56	1,027,350	1,286	905,568,035
TREASURY EXCL OF IRS	604	62,341,612	307	57,742,630	68	1,500,200	979	121,584,442
INTERNAL REVENUE	2,230	89,160,112	8,395	264,325,508	1,008	21,784,436	11,633	375,270,056
GENERAL ACCT OFFICE	832	5,224,287	15	67,011	37	1,000,211	884	6,291,509
VETERAN ADMINISTRATION	1,164	8,747,039	580	146,994,147	135	3,221,824	1,879	158,963,010
OTHER	2,722	84,204,140	1,871	106,865,138	564	96,260,806	5,157	287,330,084
TOTALS	17,726	430,845,384	31,821	2,795,689,851	5,678	328,169,660	55,225	3,554,704,895

1/INCLUDES U.S. CIVIL CASES IN U.S. DISTRICT AND APPELLATE COURTS AND STATE COURTS.

TABLE 20
APPEALS FILED AND CLOSED BY UNITED STATES ATTORNEYS OFFICES FISCAL YEAR 1978

JUDICIAL DISTRICT	CRIMINAL FILED	CRIMINAL CLOSED IN FAVOR OF U.S.	CRIMINAL CLOSED AGAINST U.S.	CRIMINAL CLOSED OTHER	CRIMINAL CLOSED TOTAL	CIVIL FILED	CIVIL CLOSED IN FAVOR OF U.S.	CIVIL CLOSED AGAINST U.S.	CIVIL CLOSED OTHER	CIVIL CLOSED TOTAL
ALABAMA N	16	30	0	7	37	29	9	1	14	24
ALABAMA M	16	16	1	3	20	1	2	1	1	4
ALABAMA S	14	11	0	2	13	1	3	0	3	6
ALASKA	6	0	0	1	1	3	1	0	1	2
ARIZONA	140	88	24	17	129	43	11	4	18	33
ARKANSAS E	33	17	2	4	23	14	4	1	4	9
ARKANSAS M	5	2	0	1	3	6	4	0	2	6
CALIF N	32	18	4	3	25	65	19	2	23	44
CALIF C	114	68	6	28	102	189	80	9	75	164
CALIF E	23	23	1	3	27	21	12	1	12	25
CALIF S	175	172	11	30	213	32	20	0	12	32
COLORADO	40	43	0	3	46	13	5	4	3	12
CONNECTICUT	21	15	0	9	24	26	3	8	18	24
DELAWARE	2	2	0	0	2	2	1	0	1	2
DIST OF COLUMBIA	970	954	38	405	997	159	70	6	65	141
FLORIDA N	18	15	0	2	17	13	8	1	6	15
FLORIDA M	70	25	4	15	48	26	13	4	9	26
FLORIDA S	85	80	2	6	88	34	38	5	26	69
GEORGIA N	73	39	2	8	49	64	27	1	14	42
GEORGIA M	20	14	2	2	18	24	9	0	5	14
GEORGIA S	12	10	0	3	13	7	3	0	3	6
HAWAII	19	6	0	1	7	3	1	0	1	2
IDAHO	10	4	0	1	5	7	4	1	1	6
ILLINOIS N	40	50	0	24	74	38	11	0	8	19
ILLINOIS E	30	15	1	6	22	21	8	0	5	13
ILLINOIS S	29	18	0	6	24	20	4	3	6	13
INDIANA N	49	41	1	15	57	9	0	0	2	2
INDIANA S	14	2	0	1	3	10	1	0	2	3
IOWA N	16	13	1	5	19	7	1	0	6	7
IOWA S	19	10	1	2	13	13	4	0	10	14
KANSAS	39	37	0	10	47	54	31	1	17	49
KENTUCKY E	50	28	6	10	44	35	20	0	4	24
KENTUCKY W	27	28	1	1	30	18	7	0	7	14
LOUISIANA E	44	25	2	8	35	14	11	1	6	18
LOUISIANA M	4	1	0	1	2	4	0	0	2	2
LOUISIANA W	20	15	2	8	25	38	7	2	8	17
MAINE	4	3	1	0	4	4	2	1	2	5
MARYLAND	48	33	1	6	40	7	14	0	2	16
MASSACHUSETTS	76	23	3	14	40	11	4	1	2	7
MICHIGAN E	108	58	1	15	74	53	23	1	19	43
MICHIGAN W	14	8	0	2	10	8	4	0	4	8
MINNESOTA	35	22	1	4	27	25	2	1	16	19
MISSISSIPPI N	15	9	0	1	10	10	4	0	4	8
MISSISSIPPI S	18	8	2	3	13	12	7	0	5	12
MISSOURI E	89	55	3	13	71	45	32	0	12	44
MISSOURI W	49	39	4	5	48	47	24	1	43	68
MONTANA	11	3	2	3	8	4	0	1	3	4
NEBRASKA	6	8	0	1	9	11	8	2	0	10
NEVADA	47	14	3	3	20	14	3	0	4	7
NEW HAMPSHIRE	3	1	0	1	2	5	0	0	4	4
NEW JERSEY	103	53	0	28	81	0	0	0	5	5
NEW MEXICO	24	12	1	9	22	29	8	1	9	38
NEW YORK N	6	2	0	3	5	7	1	0	5	6
NEW YORK E	79	79	4	10	93	33	23	7	2	32
NEW YORK S	192	86	2	14	102	0	0	0	0	0
NEW YORK W	0	3	1	1	5	7	0	0	0	0
N CAROLINA E	31	17	0	7	24	6	8	1	1	10
N CAROLINA M	24	21	2	0	23	8	4	1	1	6
N CAROLINA W	24	31	1	2	34	24	12	1	5	18
NORTH DAKOTA	4	4	0	1	5	4	0	2	2	4
OHIO N	30	27	2	9	38	38	8	0	6	14
OHIO S	34	16	0	4	20	80	16	0	30	46
OKLAHOMA N	15	6	5	1	10	3	0	0	0	0
OKLAHOMA E	10	2	1	0	3	3	4	0	1	5
OKLAHOMA W	33	20	1	3	32	27	10	0	6	16
OREGON	27	15	1	4	20	22	6	1	9	16
PENNSYLVANIA E	91	60	3	13	96	139	53	5	84	142
PENNSYLVANIA M	14	10	1	1	12	39	2	0	11	13
PENNSYLVANIA W	38	38	4	15	77	35	14	3	14	31
PUERTO RICO	17	5	0	0	5	15	0	0	2	2
RHODE ISLAND	6	1	0	1	2	1	2	1	0	3
S CAROLINA	53	18	0	4	22	22	26	1	6	33
S DAKOTA	20	4	0	6	10	2	8	0	0	0
TENNESSEE E	18	17	0	4	21	18	10	1	5	16
TENNESSEE M	19	22	2	2	26	7	12	1	3	16
TENNESSEE W	43	54	1	10	65	14	5	0	3	8
TEXAS N	60	24	2	10	38	61	20	0	25	45
TEXAS E	1	1	0	0	1	2	2	0	1	3
TEXAS S	237	124	14	41	186	80	30	0	42	72
TEXAS W	74	45	6	11	62	51	24	1	10	35
UTAH	16	4	0	4	8	25	6	0	9	15
VERMONT	8	3	0	2	5	7	3	0	4	7
VIRGINIA E	102	121	12	30	163	71	28	1	20	49
VIRGINIA W	4	2	1	0	3	16	11	1	4	16
WASHINGTON E	25	4	1	6	11	11	8	1	9	18
WASHINGTON W	43	29	2	13	40	45	26	2	25	53
WEST VIRGINIA N	12	4	0	1	5	8	2	1	4	7
WEST VIRGINIA S	21	15	1	16	32	17	2	2	1	5
WISCONSIN E	19	18	1	1	20	14	6	0	6	12
WISCONSIN W	11	5	3	1	9	2	3	0	0	3
WYOMING	11	8	0	1	9	14	1	1	5	7
CANAL ZONE	5	5	0	1	6	1	8	0	1	1
GUAM	0	0	0	1	1	0	0	0	0	0
VIRGIN ISLANDS	22	16	0	3	19	2	1	0	0	1
TOTALS	4,634	2,925	210	1,016	4,151	2,340	976	100	885	1,961

TABLE 39

1ND CONDEMNATION CASES AND TRACTS HANDLED BY UNITED STATES ATTORNEYS DURING FISCAL YEAR 1976

JUDICIAL DISTRICT	CASES PENDING 07/01/75	CASES RECEIVED	CASES CLOSED	CASES PENDING 06/30/76	TRACT PENDING 07/01/75	TRACTS RECEIVED	TRACTS CLOSED	TRACT PENDING 06/30/76
ALABAMA N	9	5	4	8	36	27	13	60
ALABAMA M	0	0	0	0	0	0	0	0
ALABAMA S	0	0	0	0	0	0	0	0
ALASKA	0	4	3	11	71	29	40	60
ARIZONA	23	4	3	27	131	20	61	190
ARKANSAS E	16	6	1	21	37	13	1	49
ARKANSAS M	14	2	11	23	146	11	48	109
CALIF N	21	3	3	21	83	10	24	71
CALIF C	M	0	0	0	58	1	3	56
CSLIF E	39	16	14	41	172	33	22	173
CALIF S	0	1	1	0	84	4,726	4	4,808
COLORADO	31	54	14	49	180	34	33	81
CONNECTICUT	10	0	0	10	46	0	1	47
DELAWARE	3	1	0	4	34	3	29	8
DIST OF COLUMBIA	33	11	20	30	103	16	87	113
FLORIDA N	2	3	0	6	17	2	8	19
FLORIDA M	0	3	3	0	48	23	13	58
FLORIDA S	87	13	4	96	1,272	150	271	1,197
GEORGIA N	6	3	1	10	54	4	13	10
GEORGIA M	5	3	0	3	3	15	0	16
GEORGIA S	5	0	0	5	7	0	0	7
HAWAII	1	1	0	2	5	1	0	6
IDAHO	54	6	3	57	54	7	4	57
ILLINOIS N	13	1	0	14	96	1	1	96
ILLINOIS E	28	4	5	27	88	13	10	91
ILLINOIS S	0	0	0	6	19	0	2	17
INDIANA N	35	3	4	26	70	31	21	80
INDIANA S	29	10	1	39	71	44	4	110
IOWA N	3	4	0	9	31	7	0	28
IOWA S	9	0	0	9	24	0	0	24
KANSAS	40	15	7	48	276	70	61	265
KENTUCKY E	76	15	7	80	475	35	66	444
KENTUCKY M	10	0	2	14	115	23	63	74
LOUISIANA E	0	0	0	4	47	0	0	47
LOUISIANA M	0	0	0	0	0	0	0	0
LOUISIANA M	16	0	1	15	281	0	7	274
MAINE	4	1	0	5	29	3	3	30
MARYLAND	34	17	9	42	294	66	33	367
MASSACHUSETTS	41	3	4	42	366	67	301	334
MICHIGAN E	9	8	0	3	15	0	0	15
MICHIGAN M	11	3	1	13	25	0	2	23
MINNESOTA	13	2	1	14	42	6	1	47
MISSISSIPPI N	3	7	0	13	33	17	0	50
MISSISSIPPI S	10	1	3	8	31	17	9	39
MISSOURI E	43	43	18	82	199	129	77	251
MISSOURI W	249	41	54	294	620	140	64	696
MONTANA	18	4	1	13	11	4	4	11
NEBRASKA	26	6	3	31	85	36	10	111
NEVADA	4	0	0	4	0	0	0	0
NEW HAMPSHIRE	0	0	0	0	0	0	0	0
NEW JERSEY	73	4	3	77	644	0	77	567
NEW MEXICO	24	4	2	26	459	48	2	505
NEW YORK N	9	1	1	9	29	3	1	31
NEW YORK E	0	0	0	0	39	0	0	39
NEW YORK S	10	1	0	11	32	1	0	33
NEW YORK M	9	1	0	10	186	3	0	186
N CAROLINA E	11	3	4	9	66	3	30	40
N CAROLINA M	14	6	4	14	147	50	57	140
N CAROLINA W	7	0	3	4	11	0	4	7
NORTH DAKOTA	7	3	2	7	17	0	13	11
OHIO N	10	1	2	9	36	1	14	23
OHIO S	60	6	3	37	118	3	48	73
OKLAHOMA N	20	3	11	20	244	152	175	221
OKLAHOMA E	0	0	3	3	34	0	32	2
OKLAHOMA M	25	14	13	26	141	203	35	299
OREGON	10	13	10	12	173	30	21	171
PENNSYLVANIA E	13	13	0	27	10	38	0	48
PENNSYLVANIA M	30	29	11	77	244	77	46	275
PENNSYLVANIA W	14	0	5	12	48	0	20	28
PUERTO RICO	0	0	0	0	0	0	0	0
RHODE ISLAND	4	0	0	4	3	0	0	3
S CAROLINA	6	0	0	6	34	0	0	38
S DAKOTA	15	34	4	33	16	81	7	90
TENNESSEE E	1	1	0	2	2	1	0	3
TENNESSEE M	21	0	1	20	61	0	14	48
TENNESSEE W	3	3	3	3	13	26	0	35
TEXAS N	4	0	0	4	4	0	0	4
TEXAS E	32	3	13	27	103	3	71	99
TEXAS S	29	1	3	27	175	4	14	186
TEXAS M	48	6	13	41	309	171	133	258
UTAH	0	0	0	0	27	0	4	23
VERMONT	3	0	0	3	4	0	0	6
VIRGINIA E	44	11	27	30	153	31	30	110
VIRGINIA M	33	0	14	33	72	0	34	38
WASHINGTON E	58	30	26	58	91	99	33	77
WASHINGTON M	70	37	27	70	177	31	94	114
WEST VIRGINIA N	13	0	4	17	72	M	14	63
WEST VIRGINIA S	50	11	5	48	293	67	74	886
WISCONSIN E	0	0	0	0	0	0	0	0
WISCONSIN M	30	10	1	29	92	47	1	138
WYOMING	2	4	1	7	7	3	1	9
CANAL ZONE	0	0	0	0	0	0	0	0
GUAM	1	0	0	1	1	0	0	1
VIRGIN ISLANDS	2	0	1	1	3	0	1	2
TOTALS	2,026	994	440	2,180	10,379	7,030	2,647	14,762

TABLE 30

UNITED STATES ATTORNEYS MAN-HOURS IN COURT DURING FISCAL YEAR 1976

JUDICIAL DISTRICT	DISTRICT COURT	BANKRUPTCY COURT	APPELLATE COURT	TRIAL MAGISTRATE	STATE COURT	BANKRUPTCY COURT	OTHER JUDICIAL PROCEEDINGS	GRAND JURY	TOTAL
ALABAMA N	2,161	903	34	437	30	128	361	13	3,664
ALABAMA M	1,523	167	23	98	11	23	186	2	1,848
ALABAMA S	1,268	213	11	68	5	63	111	0	1,721
ALASKA	908	128	17	78	2	4	263	70	1,468
ARIZONA	3,728	603	278	647	96	28	262	213	5,863
ARKANSAS E	2,573	295	80	213	78	44	206	8	3,402
ARKANSAS W	1,864	123	3	186	188	16	166	6	1,384
CALIF N	8,168	1,949	48	1,473	24	31	63	48	4,514
CALIF E	14,378	2,363	227	589	649	199	2,133	2,107	24,045
CALIF E	2,696	266	58	36	44	45	65	173	3,367
CALIF S	6,338	1,158	393	1,743	38	184	3,877	244	12,774
COLORADO	2,964	401	73	1,294	498	189	384	33	5,846
CONNECTICUT	2,027	373	58	98	13	18	241	4	2,996
DELAWARE	852	204	6	179	26	13	306	18	1,316
DIST OF COLUMBIA	9,327	8,126	698	73,883	32,471	8	3,673	0	123,498
FLORIDA S	1,365	168	14	326	76	16	268	0	2,244
FLORIDA M	5,282	1,123	27	474	78	44	1,393	96	8,714
FLORIDA N	3,847	1,237	228	1,336	233	148	1,149	4	12,256
GEORGIA N	3,063	876	42	855	63	16	936	0	5,604
GEORGIA M	663	641	27	17	5	4	44	8	1,749
GEORGIA S	2,196	462	11	358	18	31	776	41	4,508
GUAM	904	98	2	52	33	38	64	0	1,191
HAWAII	866	296	28	141	3	13	7	0	1,356
ILLINOIS N	12,088	1,603	282	228	74	278	1,076	43	13,557
ILLINOIS E	1,184	432	28	35	13	13	101	0	1,686
ILLINOIS S	831	295	18	69	16	69	31	24	1,288
INDIANA N	1,883	222	48	167	3	53	68	0	2,452
INDIANA S	1,674	317	42	-	1	18	224	0	2,496
IOWA N	1,813	844	57	98	47	38	110	61	3,688
IOWA S	1,362	232	21	67	9	34	350	148	2,894
KANSAS	1,347	241	58	53	36	39	574	172	2,776
KENTUCKY E	1,346	164	184	36	37	18	130	0	1,636
KENTUCKY W	872	214	14	496	83	5	101	44	1,647
LOUISIANA E	3,638	1,944	91	653	391	58	774	0	6,691
LOUISIANA W	646	264	8	115	2	28	137	0	1,017
LOUISIANA M	1,674	430	11	74	33	26	344	1	2,346
MAINE	484	123	4	34	8	4	38	2	684
MARYLAND	5,962	674	51	348	26	4	566	146	7,836
MASSACHUSETTS	5,917	877	58	5,225	144	32	877	147	13,330
MICHIGAN E	1,171	1,290	203	472	63	68	2,394	143	12,773
MICHIGAN W	476	104	6	78	33	18	47	43	866
MINNESOTA	2,816	438	51	342	33	14	434	44	4,196
MISSISSIPPI N	1,517	158	8	26	2	24	96	1	1,466
MISSISSIPPI S	1,228	173	11	144	44	14	164	8	1,646
MISSOURI E	2,681	396	138	157	38	27	234	8	3,793
MISSOURI W	3,866	367	41	411	30	49	1,383	378	4,363
MONTANA	638	102	17	234	2	2	6	1	1,006
NEBRASKA	1,387	261	139	72	35	36	153	8	1,973
NEVADA	1,777	787	34	324	26	43	344	141	3,409
NEW HAMPSHIRE	233	46	11	12	2	1	34	6	346
NEW JERSEY	8,727	1,203	466	158	132	113	1,188	261	12,702
NEW MEXICO	1,214	234	67	647	106	12	272	194	7,170
NEW YORK N	1,148	196	24	32	147	125	67	44	1,682
NEW YORK S	11,971	1,687	448	674	79	51	1,446	64	16,644
NEW YORK E	10,535	2,643	778	725	268	254	2,168	681	27,682
NEW YORK W	2,662	233	32	161	79	93	318	98	4,111
NORTH CAROLINA E	1,648	238	76	78	36	8	146	0	2,144
NORTH CAROLINA M	1,283	62	61	12	16	16	116	8	1,600
NORTH CAROLINA W	736	98	14	4	5	3	214	36	1,315
NORTH DAKOTA	786	64	7	47	8	3	40	0	977
OHIO N	3,382	432	131	631	87	38	625	8	5,278
OHIO S	1,467	344	54	134	79	61	278	25	3,033
OKLAHOMA N	769	133	4	144	63	73	294	919	3,766
OKLAHOMA E	375	48	13	14	5	0	36	4	729
OKLAHOMA W	1,381	134	6	67	116	21	46	0	2,034
OREGON	1,582	430	316	386	31	0	644	0	3,440
PENNSYLVANIA E	7,811	1,544	188	3,422	86	32	2,016	178	14,423
PENNSYLVANIA M	3,167	317	76	426	92	32	278	8	2,538
PENNSYLVANIA W	1,983	276	61	4	21	8	281	8	2,642
PUERTO RICO	2,677	498	58	848	92	184	648	22	5,108
RHODE ISLAND	699	179	34	52	33	6	140	8	1,154
SOUTH CAROLINA	3,896	265	32	278	46	16	321	399	4,193
SOUTH DAKOTA	1,989	427	36	36	31	12	159	8	2,179
TENNESSEE E	884	113	13	25	26	39	44	24	1,099
TENNESSEE M	757	122	24	28	28	7	268	0	1,216
TENNESSEE W	2,422	676	71	16	13	12	143	43	3,044
TEXAS E	2,826	720	84	448	23	74	448	8	4,644
TEXAS S	922	162	6	113	4	68	148	0	1,567
TEXAS N	11,723	1,599	3,671	4,143	267	196	946	258	23,810
TEXAS W	3,993	650	17	1,632	48	6	1,117	0	7,373
UTAH	1,963	96	16	7	314	378	223	8	2,602
VERMONT	675	224	4	54	3	0	4	0	960
VIRGINIA E	3,983	176	57	355	36	0	230	0	3,536
VIRGINIA W	772	206	12	137	13	4	129	13	1,366
WASHINGTON E	632	375	11	88	1	3	131	0	1,407
WASHINGTON W	3,840	1,266	276	19,378	116	6	1,366	1,006	23,220
WEST VIRGINIA N	396	78	3	6	3	33	18	8	544
WEST VIRGINIA S	3,642	962	64	383	15	36	83	1,814	5,003
WISCONSIN E	3,297	347	78	361	321	46	98	14	4,601
WISCONSIN W	438	209	18	333	6	37	502	22	1,760
WYOMING	762	98	5	96	7	6	127	0	1,091
CANAL ZONE	423	8	8	24	8	8	461	8	918
GUAM	284	34	8	8	8	4	8	18	350
VIRGIN ISLANDS	1,671	114	22	8	8	8	8	8	2,807
TOTALS	269,767	33,333	8,758	126,644	37,628	3,732	43,251	6,543	531,415

Mr. KASTENMEIER. The time is late, but I believe we can take the next witness.

I want to reiterate that, this afternoon at 2 p.m., we will have Commissioner Dann here. That will conclude today's work.

But right now, I would like to call William E. Hall, Director of the U.S. Marshals Service, for what I hope will be a brief presentation.

TESTIMONY OF WILLIAM E. HALL, DIRECTOR, U.S. MARSHALS SERVICE, ACCOMPANIED BY WILLIAM RUSSELL, ASSISTANT DIRECTOR FOR ADMINISTRATION AND FINANCE

Mr. HALL. Mr. Chairman, to my right is Mr. William Russell, Assistant Director for Administration and Finances.

I am very appreciative of the opportunity to appear before this committee. I would like to use this time to briefly outline the mission of the U.S. Marshals Service and highlight some of the problems we face in accomplishing that mission.

The U.S. Marshals Service is among the oldest Federal law enforcement agencies. During its 188-year history, the Service has performed many and varied law enforcement duties with price, dedication, and distinction. Since the appointment of the 13 original marshals in 1789, the Service has grown to its present strength of over 2,100 employees.

Over 88 percent of our personnel are located in the field in the 94 judicial districts. Of this group, 1,572 are U.S. marshals and deputies and 314 are engaged in clerical and administrative duties.

To assure better management through a reduced span of control, the Service began in September 1975 a program to locate five regional directors in key cities throughout the country. Those regional directors are each responsible for between 14 to 23 districts and have been delegated maximum authority for the operational and administrative responsibilities of their respective regions. At this point, two regional offices have been located in the field, while three are stationed in Washington. Currently, the regional directors and their staffs compose less than 2 percent of total Service staffing, with 38 positions. These figures will, however, grow slightly as more offices are actually located in the regional headquarters cities. U.S. Marshals Service headquarters has 144 full-time permanent employees, including the witness security support group.

Even though the Marshals Service continues to perform a wide variety of Federal law enforcement functions, these functions can be combined into two broad categories—support of the Federal judiciary and performance of law enforcement duties on behalf of the Attorney General.

As officers of the U.S. district courts and U.S. circuit courts of appeal, the U.S. marshals and their deputies perform a combination of protective, enforcement, and support duties. A primary responsibility of the Marshals Service is the personal security of the approximately 1,200 Federal judges and magistrates. Security responsibilities, include: 24-hour personal protection for judges, magistrates, and their families whose lives have been threatened; prevention and control of disturbances in the courtroom; utilization of electronic detection equipment; and physical security surveys of Federal court buildings.

A major problem facing the Marshals Service in the area of court security is the inadequacy of some of the facilities currently being

utilized by Marshals Service personnel. Of our 329 operational field offices which are distributed throughout the 94 judicial districts, 75 of these facilities pose serious security hazards for Marshals Service personnel, the judiciary, and the general public. These conditions have developed due to reasons beyond our control; such as, the deterioration of old buildings, requests for relocation of trial locations, and modifications of facilities made by the other tenants of the building. We have recently requested a supplemental appropriation to remedy some of these deficiencies, and an increase has been approved in our fiscal year 1978 budget.

A second major responsibility of the Marshals Service which involves the Federal courts is the execution of arrest warrants. As part of our efforts to maintain the integrity of the Federal judicial process, the Marshals Service gives special attention to the execution of court-related arrest warrants. By concentrating heavily on parole violators, probation violators, and failures to appear, the U.S. Marshals Service was responsible for the arrest of over 22,000 Federal fugitives during fiscal year 1976. One major objective for the years ahead is to achieve even greater success in this important enforcement program.

A third major court-related responsibility is the transportation of Federal prisoners. Marshals transport prisoners to and from local detention facilities during the course of trials and then transport the prisoners to their place of incarceration once sentence has been passed. Through the use of sedans, vans, buses, and aircraft, the Marshals Service transported over 147,000 prisoners during fiscal year 1976.

There are currently several challenges facing the Marshals Service in the area of prisoner transportation, the first of which is becoming critical as it relates to the condition of the vehicles used by Marshals Service personnel. We currently lease 850 sedans, vans, and buses from the General Services Administration.

A plan recently submitted to the Department of Justice calls for the Marshals Service purchase of 950 sedans, 115 vans, and 5 buses. These vehicles would then be equipped with the necessary police-type equipment and would be regularly maintained by the Marshals Service. The cost of purchasing and equipping these vehicles would be approximately $6.9 million. This cost compares very favorably with the $2.5 million paid GSA annually for our leased vehicles. The implementation of this plan requires the necessary legislation to alter the existing U.S. marshal/U.S. attorney appropriation, along with the appropriate increase in funding.

A second challenge involves the provisions of the Speedy Trial Act requiring the rapid movement of prisoners. This has resulted in the increased use of commercial aircraft for prisoner movements. Unfortunately, this method of transportation is the most expensive and poses the greatest security risks. We are currently experimenting with the use of less expensive, more secure charter aircraft to help alleviate this problem.

A third area regarding prisoners relates to the local detention of prisoners awaiting trail or testimony. The Marshals Service has no facilities to accommodate the overnight housing of prisoners and must therefore rely on county and local jails. These jails must meet certain Federal standards and must sign contracts specifying the type of treatment to be received by Federal prisoners. As a result, many convenient jails either do not meet the standards or will not agree to the provisions of the contract.

Mr. KASTENMEIER. May I interrupt to ask you, if you could, to summarize the balance of your statement, because we do have a quorum call on and it might expedite it.

Mr. HALL. Briefly, the rest of my remarks address the operational responsibilities of the Marshals Service, including the security program we became involved with in 1970. This program provides protection for Federal witnesses and their families who are subject to threats or intimidation.

Another area of concern is that this witness program has grown quite rapidly and has placed increasing demands upon our service. Still another responsibility is in Federal civil disturbances, where a military presence would be very undesirable. The marshals service special operations group has been called up in the past to handle such civil disturbances, using only a minimum of force, while assuring protection for all parties concerned. Briefly, some such situations have been the school problems in Boston and Louisville.

This summarizes the remainder of my remarks.

Mr. KASTENMEIER. Thank you very much.

Th concept that some people have of the U.S. Marshals Service, as those who we see on television in the Old West, like Wyatt Earp and some of the others, the marshals don't serve those functions any more?

Mr. HALL. Not really. We are quite proud of our earlier marshals, but we do not wish to project that image today.

Mr. KASTENMEIER. Over the years, have the duties and jurisdictions of the marshals changed in that regard?

Mr. HALL. Signifiacntly, yes. At one time, in the early part of our country, we performed many of the functions that have subsequently been channeled to other agencies in the Federal Establishment. Our responsibilities vary as the needs change.

Mr. KASTENMEIER. I would like to yield to the gentleman from Virginia.

Mr. BUTLER. Thank you.

I have a letter from my retiring marshal, and he had some suggestions. One of them, for example, deals with the job of a chief deputy marshal. Apparently, this is a permanent position.

Mr. HALL. Yes. This is the senior career position.

Mr. BUTLER. His suggestion is that, that if you didn't change your marshals—although I think he thinks you should—that if you didn't change the marshals, that this would relieve us of the obligation to have one other chief marshal in the district area.

Would you agree with that?

Mr. HALL. That is probably because, as you know, the 94 U.S. marshals are political appointees and change, as do the U.S. attorneys.

Mr. BUTLER. I think I will be able to tell him that you were receptive to his suggestion.

Mr. HALL. I would not oppose the U.S. marshal position becoming part of the career service.

Mr. BUTLER. He seems to have the impression that most marshals were not in favor of the regionalization, and he finds that this has done very little toward improving the work at the local or district level.

Would you like to comment on that, both as to the feeling of the marshals and what benefits you have received from this?

Mr. HALL. In all deference to the marshal whom you are referring to, I think that he does not represent the majority of the marshals within our Service. It is my opinion that, by far, the greater majority of the marshals do support the regionalization concept.

Mr. BUTLER. I will tell him that his polling procedures are faulty. But I would say that this is one marshal who has felt that maybe you might want to rethink your view on that.

The one other area: an absence of guidelines for the performance of the responsibilities, so that you can't judge the performance of the individual members of his staff.

Is there a guideline for—or, how do you measure the performance?

Mr. HALL. Mr. Congressman, the marshal is required to annually submit a performance appraisal on all members of his staff. That includes the chief deputy marshal, and if there is a less-than-adequate performance on the part of the chief deputy, then it is incumbent upon him to advise us by submitting an annual report.

Mr. BUTLER. Against what standards does he measure this performance?

Mr. HALL. The performance rating we use is clearly outlined. It goes into all aspects of his responsibility.

Mr. BUTLER. Could you send me whatever that is?

Mr. HALL. I would be delighted to.

Mr. BUTLER. Thank you very much.

Mr. KASTENMEIER. The gentleman from California.

Mr. DANIELSON. Are the deputies civil service?

Mr. HALL. Every one except the chief marshal.

Mr. DANIELSON. Don't count me among one of those who feels we should get rid of the U.S. marshals. There is nothing more wholesome in a democracy than a little politics.

Any time we have a soulless, heartless, bloodless, spiritless entity which is a locked-in civil service trying to carry out the policies of our Government, we are going to be in trouble. So I am going to hold out for some appointed people who can bring in the appointment of people into our governmental offices.

Mr. HALL. I understand your position.

Mr. DANIELSON. Good.

Mr. BUTLER. I felt differently 4 years ago, George.

[Laughter.]

Mr. ERTEL. I have one question.

You spent a lot of time and energy transporting prisoners. There is a prospective facility at Lake Placid. Is there any way you can come up with an estimate as to the time, money, and people it will take to transport prisoners from that facility to the various courts and other facilities throughout the United States because of its location in such a rural area?

Mr. HALL. Yes. We could come up with those figures. It would be quite a challenge, but I am sure we could do it.

Mr. ERTEL. I would be interested in seeing those figures, because I have seen your U.S. marshals walk into our courts with four marshals guarding one or two men and spending days and days bringing these people in.

Mr. KASTENMEIER. I am not going to ask for that.

But I would like an evaluation of movement of prisoners in terms of costs, generally, against which we can measure and possibly further, should the occasion demand it, specific cases.

Mr. HALL. We have those facts readily available, and we will make them available to you.

Mr. KASTENMEIER. Thank you very much for your appearance here this morning. I appreciate it very much, Mr. Hall, and perhaps we will have a chance to visit with you again.

Mr. HALL. Thank you very much.

Mr. KASTENMEIER. We will stand in recess until 2 o'clock this afternoon.

[Whereupon, at 12:30 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

TRANSPORTATION OF PRISONERS

The program Transportation and Movement of Federal Prisoners in fiscal year 1977 is defined as the Transportation of Sentenced Prisoners, accompanied by Marshals Service personnel, to and from designated Federal correctional institutions for initial confinement or when subsequently ordered produced in court. Fiscal year 1977 costs, both transportation and personnel for this program are anticipated to be approximately $6,834,000.

UNITED STATES MARSHALS SERVICE
NOTICE OF OFFICIAL PERFORMANCE RATING

EMPLOYEE NAME	TITLE		GRADE
DIVISION	LOCATION	YOUR OFFICIAL RATING	FOR THE RATING PERIOD ENDING MARCH 31, 19

INTERPRETATION OF PERFORMANCE RATING

Your performance rating is an official record of the manner in which you are meeting the performance requirements of your position.

Outstanding (O) means that all aspects of performance not only exceed normal requirements but are outstanding and deserve special commendation.

Satisfactory (S) means that all performance requirements of the position have been fully met.

Unsatisfactory (U) means that performance did not meet the requirements of the position.

USE OF PERFORMANCE RATINGS

Performance ratings of "satisfactory" or better are considered in making merit within-grade salary increases and promotions to higher grades. Employees rated "outstanding" will be considered for cash awards under the Incentive Awards plan. An employee who receives a rating of "unsatisfactory" may not be permitted to remain in his position. He must be reassigned or demoted or if no suitable vacancy exists he must be removed from the service for inefficiency. A rating of "unsatisfactory" places an employee in a lower subgroup for reduction in force purposes which means that such an employee will be separated from the service before any employees having a "satisfactory" or better rating.

APPEALS

If you believe your rating is wrong, you should first discuss it with your supervisor or administrative officer. If you are not satisfied an impartial review of the rating may be obtained from the Performance Rating Committee (see Section 230, USM Manual). The request for such review must be in writing and filed with the Chief of the Personnel Office within 30 days of the date of receipt of notice. The request for review shall be supported by a detailed statement of the reasons for appeal. Employees receiving "satisfactory" ratings may appeal to the Performance Rating Committee or the Performance Rating Board of Review but may not do both. An appeal to the Performance Rating Board of Review is filed by submitting a written statement in triplicate addressed to the Personnel Officer, U.S. Marshals Service, U.S. Department of Justice, Washington, D.C. 20530.

DOJ

FORM USM-195
(Ed. 2-28, 76)

USMS Personnel Rating Criteria

The U.S. Marshals Service performs a personnel appraisal once a year on March 31st of all U.S. Marshals Service personnel as provided by Civil Service Commission regulations. Personnel are rated outstanding, satisfactory, or unsatisfactory. By regulation unsatisfactory ratings must be preceeded by a 90 day written notice. The ratings are performed by the immediate supervisor of the individual being rated; thus Marshals rate Chief Deputy Marshals, Chief Deputy Marshals (CDUSM) usually rate Supervisory Deputy Marshals (SDUSM) and clerical personnel; and Supervisory Deputy Marshals rate Deputy Marshals reporting to them. The Director, U.S. Marshals Service usually rates U.S. Marshals and senior Headquarters staff reporting directly to him. Subordinate Headquarters staff are rated by their immediate superiors.

The criteria for evaluating annual ratings are contained in the United States Marshals Manual, Sec. 229.03, Appendix A-J. Copies of these criteria are attached as Exhibit A. The annual performance rating form is attached as Exhibit B. The supervisory appraisal of performance form for CDUSM applicants and SDUSM applicants is attached as Exhibit C.

The performance rating forms for merit promotion positions for non-operational staff are divided into non-supervisory rating factors and supervisory rating factors.

Nonsupervisory rating factors address an individuals work skills and technical or professional knowledge while supervisory rating factors address an individuals capabilities to manage effectively. A copy of the rating sheet is attached as Exhibit D.

Attachments

SUPERVISORY APPRAISAL OF PERFORMANCE FOR SDUSM AND CDUSM POSITIONS	Employee's Name	
	Current Position Title	Current Grade
District or Office	Date of Appraisal	Period Covered

INSTRUCTIONS:

1. A current supervisory apprsisal of performance completed by the first level supervisor is required for each opplicant for SDUSM snd CDUSM positions. To be current, an appraisal must not be over 90 days old. If one of your subordinates wishes to apply for these positions and does not hsve s current appraisal on file in the Personnel Dperstions Section, you must complete sn appraissl and forward it with the employee's spplicstion through the Reginnal Office to persnnnel.

2. If a subordinate has been under your supervision for at least 90 days, it is your responsibility to complete the appraisal. If you have not supervised the employee for 90 days, the former supervisor, if still in the Service, must complete the appraisal. The period covered by the appraisal is the last 12 months (or less, if the employee has not worked under you for 12 months).

3. You must complete the rating on esch factor. Your evalustion should be based, insofar ss possible, on sctusl obaervation of demonstrated performance. If this is not possible, you should rate the employee based on your evslustion of his or her potentisl on that fsctor.

4. The foloving rsting scale will be used:

4 outstanding (consistently and substantially exceeds performsnce requirements)

3 sbove sverage (occssionally exceeds performance requirements)

2 aversge (meets performance requirements)

1 marginsl (requires more trsining and/or effort)

0 unsatisfsctory (fails to meet performance requirements)

cont'd

Indicate the numerical rating in the box by each factor. Whenever a rating of 4 or 0 is assigned, you must provide a narrative substantiation in the space provided.

5. After you have completed the appraisal, it must be reviewed and signed by the second-level supervisor. The appraisal must then be discussed with the employee and his or her signature obtained. The employee's signature merely acknowledges the appraisal and does not indicate concurrence. The employee may attach comments if desired.

FACTORS	RATING	NARRATIVE COMMENTS (REQUIRED FOR RATINGS OF 4 AND 0)
1. Knowledge of present job		
2. Quality of work		
3. Ability to learn new work and procedures		
4. Attitude toward job and USMS		
5. Dependability		
6. Ability to express himself/herself to others		
7. Initiative and self-motivation		
8. Ability to work without close supervision		
9. Ability to work effectively with others		
10. Ability to work under pressure		

11. Ability to delegate authority to subordinates		
12. Ability to motivate and train subordinates		
13. Ability to make objective judgments		
14. Ability to keep USMS objectives in mind		
15. Ability to plan and execute assignments effectively		
16. Willingness to accept responsibility		
17. Ability to command attention and respect		
18. Ability to make recommendations and decisions		
19. Commitment to occupational safety program		
20. Commitment to EEO program		
TOTAL:		

cont'd

SIGNATURE OF FIRST-LEVEL SUPERVISOR _____ DATE _____

SIGNATURE OF SECOND-LEVEL SUPERVISOR _____ DATE _____

SIGNATURE OF EMPLOYEE _____ DATE _____

AFTERNOON SESSION

Mr. KASTENMEIER. The committee will come to order this afternoon for continuation in our oversight hearings. This morning we heard from the U.S. Marshal Service, the Executive Office of the U.S. Attorneys and the Bureau of Prisons.

This afternoon, we are very pleased to greet the Commissioner of Patents and Trademarks, Hon. C. Marshall Dann, and staff, many of whom we have met and known before in various capacities as they have appeared before this committee and its various members.

And as the Commissioner understands, this is more or less a get-acquainted session, a session for the purpose of discussing informatively what the present state of the Patent Office is, its hopes, aspirations, problems, as it sees them at the present time, mindful that later in the year we will undoubtedly have occasions when he will be testifying presumably on precise proposals either to reform the patent laws or for other purposes.

So with that, I am pleased to greet Commissioner Dann and his staff. And if you would like to introduce your associates, we would be most pleased.

TESTIMONY OF C. MARSHALL DANN, COMMISSIONER OF PATENTS AND TRADEMARKS, U.S. DEPARTMENT OF COMMERCE, ACCOMPANIED BY LUTRELLE PARKER, DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS, AND RENE D. TEGTMEYER, ASSISTANT COMMISSIONER FOR PATENTS

Mr. DANN. Thank you very much, Mr. Chairman and Father Drinan.

I am very grateful for this opportunity to appear before the subcommittee and to discuss in general terms the work that our office does.

And I would like to introduce Deputy Commissioner Lutrelle Parker and Assistant Commissioner for Patents, Rene Tegtmeyer.

Mr. KASTENMEIER. Mr. Tegtmeyer at one time, I believe, as Acting Commissioner, testified before this committee. We are pleased to welcome you again.

Mr. TEGTMEYER. Thank you.

Mr. DANN. Also Assistant Commissioner for Administration, Richard Shakman. And also from our office, Director of our Office of Legislation and International Affairs, Michael Kirk. And my executive assistant, Herbert Wamsley.

Mr. KASTENMEIER. You are all most welcome.

Mr. DANN. Well, I have a prepared statement which I will try to skim over so as not to take too much time.

We also supplied a 1-page summary with the thought that it might give you a little perspective on the ground that I hope to cover.

Mr. KASTENMEIER. I am sorry, do we have that, counsel?

Mr. LEHMAN. We did, but I don't know where it is.

Mr. DANN. Well, our office is a bureau of the Department of Commerce. We are under the supervision of the Assistant Secretary of Commerce for Science and Technology. Most of our 2,900 employees work at Crystal City in Arlington just across from National Airport.

Our budget is just under $90 million. About a third of that amount

is recovered by way of fees from patent applicants and services to the public.

We have three main functions: First, to examine patent applications and grant or reject the; to collect and disseminate the technology that is disclosed in patents; and finally to examine trademark applications.

The greatest part of our activities involves examination of patent applications. We get about 100,000 a year. We operate, of course, under the patent law, title 35 of the United States Code, which was enacted under the constitutional authority of article I, section 8.

The patent law is designed to promote technological progress by providing incentives, incentives to make inventions, to invest in research and development, to commercialize new, improved, or less expensive products and processes, and very importantly to disclose new inventions to the public rather than to keep them secret.

A patent is granted only after an examination in our office to determine whether the invention meets the statutory criteria for patentability. This examination prevents the issuance of any patent on about a third of the applications that are filed. And it results in narrowing the scope of protection defined in the claims in many of the ones that we do issue.

The examination also means that members of the public can better gage what rights patentees have so they can make their plans for their own activities.

Some countries have used a simple registration system for granting patents without any examination. But when this is done, it means that each member of the public must make in effect his own examination to decide whether he must pay attention to the patent or whether he comes under it.

So from an overall standpoint, we feel it is cost effective for the public to have this examination done in a central way in our office.

We have about 900 professional examiners. These are all technically trained, and many of them are lawyers as well. Before the examiner can allow an application, he must conclude that the disclosure of the invention is complete and that the invention is new, useful, and nonobvious in the light of all the closest known prior art.

And the hardest part of that is to find out with any degree of certainty whether the invention really is new and nonobvious.

To investigate this, the examiner makes a search in our file of prior U.S. and foreign patents and technical literature. About 10 to 12 years ago, the greatest problem that the office had was a very large and growing backlog of unexamined applications and the resulting long pendency time between the filing of an application and when a patent was granted or it became abandoned.

In 1964, the average pendency was 37 months.

In recent years, pendency has been dropping. This has occurred because of changes in our procedures and because of some increase in the numbers of the examining staff. The goal has been to get to 18-month pendency.

Today, we are at just about 19 months. So we are essentially at our goal.

As a result, backlogs and patent pendency are no longer major office problems; although, of course, we must watch the receipts and disposals carefully to make sure we don't get far behind again.

We have been paying a great deal of attention to how we can perform the best examination possible within the limits of our resources. For the last 2 years, we have had a quality review program in which a 4-percent sample of all the applications found allowable are reviewed by a group of experienced examiners before the patents issue.

When they find errors, these cases go back, and prosecution is reopened.

Last year, we decided that it would be appropriate to give the examiners a little more time to examine applications—on the average about 6 percent—so that they could make a more thorough examination. The average GS–12 examiner today is expected to complete the examination of an application in an average time of 19.5 hours.

If he is a less experienced examiner or if he is working in a more complicated field of technology, he gets a correspondingly longer time.

We have carried out experiments which we call the trial voluntary protest programs in which applicants were invited to open their applications and allow us to publish them for protests from the public before their patents were granted. These programs have certainly shown the potential of proceedings of this kind for bringing to the examiner's attention prior art relevant to patentability which otherwise he or she might not know of.

In these tests, protests were filed against 6.5 percent of the essentially 2,000 applications that we published for this purpose. About half of those protests were substantial enough that they provided a good basis for rejecting the applications.

We think some of the information we learned from these tests should be helpful in considering legislative proposals.

Last month, we announced changes in our rules of practice on patent examining and appeal procedures that are intended to improve the quality and reliability of issued patents. Some of these rule changes are like some of the legislative proposals that have been made, although obviously, they cannot go as far because we are constricted by the necessity of being consistent with existing law.

One of these rules would afford patent owners a relatively quick and inexpensive way to have their patents reexamined in the light of new references that were not considered by the examiner. Heretofore, if someone owning a patent learned of a reference that at least cast a cloud on the validity of his patent, he really had no way to have his patent tested unless he got into actual litigation.

This procedure, which we have established through our reissue rules, will allow him to come to us and have the Office look at the patent in the light of this art and tell him what we think.

Whenever this happens, we will publish a notice of each reissued application, and we will wait 2 months after publication so that members of the public who may be interested and who may know of other information that should be considered can come in. The examination will take all of that into account.

We have also promulgated a rule which attempts to define the duty of candor and good faith that applicants have to the Office. It encourages applicants to provide us with whatever information they have that might help us in our examination.

There are a number of other rules; I won't try to go through them all.

The second main function of our Office is the collection, classification, and dissemination of the technology which is disclosed in patents. This is a big part of our day-to-day operations. Every patent application must contain a written description of the invention sufficient to enable a person skilled in the art to make and use the invention.

When a patent issues, it is printed so that anyone may get a copy and learn of this technology. Each year we distribute about 11 million patent copies to the public. About half of those are sold directly to the patent owners or to other members of the public. We supply copies to 20 libraries throughout the United States. We exchange copies with all of the major foreign patent offices. Many copies go into our search files and are sent to applicants in connection with the prosecution of their applications.

The search file that our examiners use when they are trying to decide whether an application covers a new and nonobvious invention contains about 21 million prior art documents. This is divided according to subject matter into about 300 classes. And each of these is broken down into subclasses so that there are altogether about 90,000 separate subclasses.

It is a major effort to keep the search file complete and up to date. We have more than 300 people that are devoted exclusively to this undertaking.

Individual subclasses keep growing in size. And as technology develops, we must continually reclassify this search file. We are adding to the search file about half a million documents every year.

A good search file is really the principal key to making a good examination. To cope with the problems associated with this steadily growing file, our short-range solutions are to make sure that all the documents are classified in the right places and to make sure that documents that are supposed to be in the file are actually there.

The long-range solution to the problem is to mechanize or computerize as much of the file as we can. We have been experimenting in this field for quite a number of years. Right now, we have a minicomputer in one of the search areas that is used for all the searching.

We are expanding our experiments with that, but we still are a long way from the point when our entire searching can be done by computer. We are continuing our experiments. We are watching very closely the progress being made by others in mechanized retrieval of information.

We are installing some new equipment for making patent copies, the copies that we supply to members of the public on order. The quality of some of our copies has been very poor, and we hope to remedy that situation very soon.

We are working very actively toward putting in as much automation in our paper-handling and recordkeeping functions as we can. This will allow us to give better service and will reduce our costs.

Now, on trademark examination, our third area. I will not say very much about it except that it is a small part of our overall activity; about 5 percent of our budget goes for trademark examining. This is not a measure of the importance of trademarks, of course.

We receive about 35,000 to 40,000 trademark applications each year. We register about two-thirds of these.

Our procedures in examining trademarks are analogous to the examination of patents, but it is a much simpler and faster job so we don't need as many examiners.

The trademark law, unlike the patent law, has a procedure by which competitors may oppose marks before they are finally registered. They may also petition for cancellation of marks. These proceedings are handled in our Office by our Trademark Trial and Appeal Board.

In the international area, we have a number of treaties and arrangements that the United States is a party to, so we have a lot of involvement here. The principal existing treaty in this field is the Paris Convention for the Protection of Industrial Property which has been in effect nearly 100 years. It is administered by what is called the World Intellectual Property Organization, a specialized agency of the United Nations headquartered in Geneva.

The Paris Convention makes available very valuable rights of priority to patent owners and assures that foreigners will receive the same treatment as nationals in the countries that are members of the Paris Convention.

It is still necessary, however, for a U.S. businessman who may want to get protection in other countries to file a separate patent or trademark application in each country where protection is desired.

The United States has helped work out two new agreements not yet in effect which are intended to facilitate this matter of obtaining foreign protection. The Patent Cooperation Treaty, PCT, would allow a U.S. applicant to file a single English-language application in a standard format designating the countries where protection is desired. So there would be quite a saving both for the applicant and for the individual countries that avoid a duplicate search.

This treaty was negotiated in Washington in 1970. It has been ratified by the United States and by West Germany as well as some smaller countries. It may come into effect as early as this year.

Your subcommittee dealt with the implementing legislation just about 1 year ago. It was passed and permitted us to ratify.

The Trademark Registration Treaty, or TRT, is a filing agreement under which a single trademark application can be used to secure national registrations in a number of countries. This treaty was signed in Vienna in 1973. And, Mr. Chairman, if I am not mistaken, you were present at that time.

Mr. KASTENMEIER. I was.

Mr. DANN. It has not yet been ratified by the United States, and it doesn't look as if it will be for some time to come.

We work with other countries in trying to improve methods of keeping the search files in better shape and improving search techniques. The developing countries have made proposals to revise the Paris Convention in a way which they believe will foster the transfer of technology to them.

We have been participating in meetings on this subject in the World Intellectual Property Organization. While we are very sympathetic to their objectives, we feel that most of the specific proposals that have been made would really not accomplish what the developing countries are after. But this is an active field. I am leaving this evening for a conference in Sri Lanka, off the coast of India, on just this subject. Specifically, we will be addressing the issue of how can we

develop more effective ways for transfer of technology to the developing countries, particularly without interfering with some of the international arrangements that have been so useful for so many years?

Finally, I would like to mention the situation with respect to patent revision legislation. Many proposals have been made in recent years for revising the patent laws. The activity dates back to the report of the President's Commission—this was under President Johnson—in 1966. That Commission met for 1 year. They came up with 35 recommendations for improvements in the patent system.

In the meantime, some of these objectives have been achieved without legislation. One of the major problems faced at that time was the large backlog that we had in the office and the long pendency time.

Nevertheless, I think it is very generally thought that some changes are needed in the patent statutes to assure the quality and reliability of U.S. patents.

Following the report of the President's Commission, a patent revision bill was introduced in 1967. There was some opposition to this bill. By 1969, a modified version of the bill had very general support from the executive branch and from the private sector.

In 1970, however, patent licensing amendments were introduced, known as the "Scott amendments, after Senator Hugh Scott, their sponsor, which made patent law revision once more a controversial topic.

At that time, the Justice Department and the Commerce Department independently testified, presented opposing views on these amendments before the Senate Subcommittee on Patents, Trademarks and Copyrights. Thereafter, there was an attempt to arrive at a common administration position out of which came an administration bill, S. 2504. That was transmitted to Congress in the fall of 1973.

Subsequently, that bill was modified to some extent by the administration, reappearing as S. 1308 at the beginning of the 94th Congress. It was then modified more extensively by the Senate subcommittee and became S. 2255 which the Senate passed just about 1 years ago.

This bill has met with a great deal of opposition from inventors, research organizations, business—small and large, and patent bar groups.

In do not know what kind of patent revision legislation, if any, the administration or the Department of Commerce will be recommending this year. The matter is currently under study.

The new rules of practice changes that I mentioned may give us some experience that will be helpful in formulating and deciding on what legislation is in order. Whether or not comprehensive patent revision legislation is considered by your subcommittee during this Congress, our Department may very well forward some draft bills on one or more items of more limited scope that are currently being studied.

Again, I want to express my gratitude for this opportunity to meet with you. I will be very pleased to try to answer any questions that you may have.

Mr. KASTENMEIER. Thank you, Commissioner Dann, for your presentation.

When you indicated at the outset that you expect to spend under $90 million and collect fees in about one-third of that amount, has that been the traditional ratio of fees to cost of operations of the Patent Office?

Mr. DANN. No; the percentage has been dropping steadily because the fees are set by law. They haven't changed since about 1966, whereas our expenses keep rising with inflation.

S. 2255, for example, has a provision which would permit the Commissioner to set the fees at such values as to have 50 percent recovery of the overall expenses.

Mr. KASTENMEIER. I might observe, this committee has at long last been successful in enacting copyright law revision and has in at least one or two occasions modified fees in the Copyright Office to meet their traditional relationships of fees and operating costs of the Office.

And I remember 10 years or so ago, the fees suggested, I think, probably by the President's Commission, including among other things maintenance fees, were very controversial and like so many other things were shot down by the patent bar.

And I must say the hostility with which the bar greeted the Commission's recommendations and more recently the Senate-passed bill led me to suspect that, indeed, revision of the patent laws is far more difficult than copyright laws; not necessarily more complex, but more difficult.

I think I must honestly observe because of the nature of the bar, the people interested, the rather intransigent attitude many practitioners have about the law or their view of the law while in the copyright community, there did appear to be over the years a disposition to arrive at accommodations that I don't find really true with the patent bar and the interests affected by patents.

I make that as a gratuitous observation, but I think in all fairness, I should disclose that view on my part, but which goes to say I am sorry that the fee structure of the Patent Office has remained unresponsive to changes.

I recognize the difficulty. I recognize that even though some of the proposals seem perfectly reasonable to us to change the fee base for the Patent Office, promote fees more consistent with your operations, we are not really able to do that, at least without a great deal of opposition; more so than, for example, copyright lawyers would offer to upward change in copyright fees, I must say.

One of the areas in revision of the copyright laws which remained undisposed of was design protection for useful articles. And while that may yet be demonstrated to be useful or necessary in terms of legislation, we have deferred that question.

There were some questions within the context of that title 2 which were unresolved—namely, would a more appropriate place be the Copyright Office or the Patent Office for the administration of this particular area? The legislation itself as it came over from the Senate was open-ended. My recollection was it referred to the regulator or administrator in neutral terms and did not define the siting of that function as within any particular agency.

I am wondering what your views might be on that subject.

Mr. DANN. Well, we had discussions with the Copyright Office last year when this was under consideration. I believe we agreed with them,

while not feeling very strongly about it, that the procedures that were set forth there in title 2 were really closer to copyright procedures than they were to the procedures that we go through. It is more like a registration.

So we were quite content to have it handled in the Copyright Office. And I believe that was the preference of the Register of Copyrights.

Might I comment just briefly on your observations about the patent bar and the people who oppose change? In the first place, of course, patent law is a very complicated and specialized field. The people who deal with it, I think, tend to feel that no one outside the field can possibly understand all the effects of change.

I think it is correct to say that the patent bar generally is much more ready to accept some change today than certainly they were 10 years ago.

In fact, then Secretary of Commerce Richardson wrote to Chairman Rodino of the House Judiciary Committee last fall, as I believe you are aware, outlining some respects in which the Commerce Department felt that S. 2255 needed change and improvement, and specifying the areas.

The Commerce Department indicated that it would be quite happy with S. 2255 amended in those ways.

I think it is fair to say that a large part of the bar and industry would support that sort of a bill.

Mr. KASTENMEIER. I am glad to hear that because I think it is incumbent upon the House Judiciary Committee and this subcommittee to make another effort to deal with revision of the patent laws, particularly inasmuch as the Senate has acted.

Whether it has acted in every respect wisely, it has nonetheless acted. And, therefore, we should at the appropriate time, it seems to me, take up the question and see whether a revision is possible which would generally benefit the national community and could improve our laws.

The recommendations of the 1966 Commission which were heard, I think, in this subcommittee either late 1967 or 1968, I have forgotten which, many of them seemed at least superficially reasonable, at least to the nonprofessional.

But as I say, the amount of opposition across the board—and we have had substantial opposition—really caused us then to abandon the effort at that time. And that was a long time ago. And I concede that I suppose one should not hope for what some people might consider perfection change, and some accommodations would have to be made.

But for someone on the outside viewing our system, in many respects, it would seem that there ought to be efficiencies that could be put into place both in terms of litigation and other respects that would make for at least less cost and less, perhaps, uncertainty.

I know this subcommittee was called on to change some years back the customs law. There were then, as I recall, 500,000 pending suits. I guess the customs proceedings which were then initiated were tantamount to litigation of a sort. And that whole system was revised very substantially, very radically.

And I am sure that today it is improved, and they found that over perhaps a century or so, the old system managed to produce some rather undesired effects.

Well, I thank you, Commissioner Dann. I yield to my friend from California, Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

And thank you, Mr. Dann.

I came in a little late, but I have read your entire statement. And for a person who knows nothing about patents or substantially nothing, it is very helpful and quite clear.

Is there a renewability of patents?

Mr. DANN. No. Only by act of Congress, and it almost never happens.

Mr. DANIELSON. Seventeen years, is it?

Mr. DANN. Seventeen years is the term.

Mr. DANIELSON. With a 17-year term, thinking of the design patent to which the chairman alluded a little bit ago, if the designs were copyrighted, the term would be substantially longer than 17 years, at least under the new law, unless we put in a different proviso?

Mr. DANN. That is correct; yes.

Mr. DANIELSON. And that, of course, would be a factor to consider as to whether or not we were to include them as being protected by copyright or by patent. Namely, is it well to have it a longer term than 17 years?

Mr. DANN. Yes.

Mr. DANIELSON. Can you tell me what is the practice in other jurisdictions, other countries on term?

Mr. DANN. Perhaps, could I ask Assistant Commissioner Tegtmeyer who testified on this subject last year to address that?

Mr. TEGTMEYER. Mr. Danielson, title II of the proposed revision of the copyright law, H.R. 2223, considered in the last Congress, would have protected designs but did not provide for the same term of protection as for copyrights generally.

Title II provided for two 5-year terms for design protection, one 5-year term renewable for a second 5-year term. And title II contained other differences from normal copyright protection in it as well.

So it provided for a much more limited term of protection than patents or copyrights.

Foreign countries vary rather widely in the term granted, but the 10 years would be generally in line with the term of other countries.

Mr. DANIELSON. I thank you because I had forgotten what it was; but obviously, one factor in deciding whether to copyright or to patent design would be the length of time that the protections were to be afforded.

How about the 17-year term on a regular patent? How does that compare with other jurisdictions?

Mr. DANN. It is not very different. They vary from 14 years, 16 years. Most countries date the term from the filing date of the application rather than from the date of grant as we do. And this would be one change that is pretty noncontroversial.

All of these patent bills such as S. 2255 provide for a 20-year term from the date of filing which guards against exceptionally prolonged prosecution.

Mr. DANIELSON. From date of filing. You are striving for an 18-month examination period, so you are really talking about 18½ years' protection subsequent to issuing a patent if you reach your ideal there.

Mr. DANN. That is true. When the 20-year term first was proposed average pendency was about 3 years so that it was not intended to change the term, just to make sure that any delays on the part of an applicant would not inure to his benefit.

Mr. DANIELSON. Thank you.

I note in your statement that you are issuing information at the rate of about 20,000 copies per day of existing patents. I believe that is what it would be.

Mr. DANN. Well, it is 20,000 orders a day that we process. Some of them are for more than one patent.

Mr. DANIELSON. 20,000 orders a day, and I think you said 50 cents per order.

To what extent does this meet your costs?

Mr. DANN. That is just about our cost of actually supplying those copies. That is our intention.

Mr. DANIELSON. You do supply also to a number of libraries and I presume to scientific depositories and the like.

Mr. DANN. Yes. Under the statute, we do this at a flat rate of $50 a year.

Mr. DANIELSON. My reason is just that—cost. It would seem to me in 1977 that 50 cents is not what it once was, and I would like to see that if we are to do anything these fees come up to a point where at least they pay the cost of maintaining this service.

Are they set by law or are they set by regulation?

Mr. DANN. The 50 cent fee is set by law, but actually we don't lose money on that particular service. The place where we don't have full recovery is on examining applications. Patent examination costs us a great deal more than we receive in filing and final fees.

Mr. DANIELSON. But again, we have a public policy there to be served, a public interest to be served—the examination of the patent to enable a patent to exist in the first place which is of benefit to our economy and our society.

And that leads to the last question I had. You make a comment in your statement that the disclosure of the details of the patent, although they become the property of the patent owner, the disclosure of the details is for public benefit.

I don't doubt your word, but could you give me an example? I couldn't think of one.

Mr. DANN. Of how that benefits the public?

Mr. DANIELSON. Where is the benefit?

Mr. DANN. As you know, advances in science grow on one another. Somebody reads about a different way of solving a problem, and this makes him think, "I could do it better."

Mr. DANIELSON. What he does then, it may stimulate him to a new thought or it may stimulate him to inventing something which would be an addition to the previously invented item. Is that the idea?

Mr. DANN. Exactly; or he may be stimulated to "invent around" an invention. If he has an operation that might be dominated by a competitor's patent, it provides a great incentive to think of other ways of improving his operation which will not be covered by the patent.

Mr. DANIELSON. In recouping your $30 million out of your $90 million, I guess that is from sales of patents. Is that basically it plus fees, of course?

Mr. DANN. The largest part of it comes from the fees that applicants pay. They pay a filing fee and then an issue fee.

Mr. DANIELSON. Would it be a financial burden on the class of people who buy patents from you to pay a little more for them? I can see an inventor might be a little bit hard up to spend more than his statutory fee to have an examination made, but I would think that people who are in the business of purchasing patents and examining them may be better financed and able to pay a little more for the service.

I would like to see us come out a little better on this financially.

Mr. DANN. I have no doubt they could stand some increase in the fees. Yes.

Mr. KASTENMEIER. Would the gentleman yield on that point?

Mr. DANIELSON. Yes, I yield.

Mr. KASTENMEIER. One of the contraversial concepts was really, I guess, the copyright office went away from this, but in the terms of the Patent Office was a maintenance fee, a rather sizable fee, which would be charged some years after the patent is in force.

Then, if some one enterprising enough made that patent pay off, made it useful, they could maintain the right to the patent or just give it up, yield it up, as an unprofitable discovery.

And as I understand, some European countries use that type of patent fee device.

Mr. DANIELSON. Would the gentleman yield?

Mr. KASTENMEIER. Yes.

Mr. DANIELSON. What do you mean by "maintain"? To extend the term?

Mr. KASTENMEIER. Exactly. Or to let it lapse, as I understand it.

Mr. DANN. Mr. Chairman, it would not extend the term, but unless this fee is paid, the patent lapses.

Mr. DANIELSON. You sort of buy your term, sort of a la carte. In other words, you get 5 years to start with, and if you want another helping, you buy another 5 or something like that.

Mr. DANN. Yes. S. 2255 provides for maintenance fees that would be payable, I believe, at the beginning of the 7th, 10th, and 13th years of the patent term. I may not have the exact years. This seems to me a very useful way of getting revenue without destroying the incentive to file and disclose.

Mr. KASTENMEIER. The reason for that is, one of the chief arguments, that alas, the poor inventor at the outset who is charged initially probably attorney's fees, processing and searching the application, would, if he had to pay the entire fee to the Patent Office at the outset—it would be an enormous fee if you wanted to make the recovery of fees relevant to the operation of the office.

Therefore, what you do to protect him is to say, "Well, we are not going to charge you the full impact of that except in the 9th and 13th year after which you have had time to put that patent into operation and make money."

Mr. DANIELSON. In other words, he skips his first 9 or 10 or 13 years, whatever the first term, at a fee that may be commensurate with what we have today, but that only gives him the 9 or 10 or 12 years. And at that time, if he wishes to extend it the full term of 17 years, he has to pay an additional amount.

Is that basically it?

Mr. KASTENMEIER. Yes. In the copyright office, as you recall, it was 28 plus 28. And at the end of 28 years, they used to pay not a maintenance fee, but you would have to in a sense renew your copyright. It was a renewal term. And there was, I think, a modest fee for that purpose.

We have done away with that. We have made a single term and no renewable terms for the copyright office, but in a sense that device has some correlation.

Mr. DANIELSON. I see. And that interests me. I would like to see some of these things tend to support themselves a little better than they do. And obviously, a real successful patent can well afford to pay a little heavier load.

I like that idea. Thank you very much.

I have taken more than my share of time.

Mr. KASTENMEIER. The gentleman from Massachusetts.

Father DRINAN. Thank you very much, Mr. Chairman. And I appreciate your statement, Mr. Dann. It is very learned.

I wonder if you would comment just for my information on the difficulties that apparently are in the bill that was passed by the Senate. You indicate here that a general support in 1969 had emerged from the executive branch and, indeed, from the private sector for a modified version of the bill, and then Senator Hugh Scott altered it.

It was subsequently modified and passed in February 1976. But apparently that bill, despite all the modifications, had succeeded in getting opposition from the inventors, research organizations, from both small and large businesses, and from the patent bar.

What are the major difficulties, two or three, that are in the bill, S. 2255, which deviated from the consensus that they had among all of those groups in 1969?

Mr. DANN. Well, let me say in the first place, S. 2255 is a very different bill than S. 643 of the 92d Congres, where there was pretty general support. There is a whole series of provisions which these various people feel would tend to make people stop using the patent system because it would become expensive, burdensome, and risky.

There are a number of provisions which, if you do not follow them exactly, you could be in real trouble. You not only would not get a patent, you might find yourself with an antitrust violation or some other difficultics.

Father DRINAN. If I could phrase the question another way, what were the major premises of Senator Hugh Scott when he once again made patent law controversial? Where did he depart from?

Mr. DANN. Those amendments had to do with the propriety of certain licensing practices. And those are no longer in the picture. They failed to receive a vote of the Senate subcommittee. They have not been in the bill since.

Mr. KASTENMEIER. May I interrupt only for clarification?

Father DRINAN. Yes.

Mr. KASTENMEIER. Is the gentleman from Massachusetts comparing S. 2255 with a much earlier bill, 1969 bill, or S. 1308? I would think comparison of those two bills which appeared in the same Congress would be more relevant, really.

Father DRINAN. Well, I wanted to know what was added that made this bill S. 2255 so unacceptable across the board apparently.

Mr. DANN. Well, as I say, it is a whole series of requirements on the applicant.

In the first place, the applicant must file a number of statements, he and everyone that has any thing to do with the application, that they have supplied all the information which they might have access to, which might have a bearing on patentability.

Now, this principle, the idea that the applicant and his attorneys should help the Office, I think everyone supports. But it is a question of the degree of the requirement, whether it is possible to comply without being charged later with having failed to look at some file that possibly would turn over to be relevant.

The bar and the others mentioned, I think, are concerned that errors in judgment would later turn out to be the basis for claims of fraud on the Patent and Trademark Office.

Father DRINAN. Is there another difficulty that these groups find with it?

Mr. DANN. There would be a requirement for filing patentability statements with the prior art references that were known to the applicant, and characterizing these references by saying why they did not apply.

Also, there is the area of participation by the public. This is another thing that I think most people agree now would be desirable: To allow members of the public to come forward with any information which bears on patentability. But S. 2255 provides that, for 1 year after grant of the patent, anyone may come in and have a fullblown opposition with extensive discovery, which the bar and industry see as creating opportunities for harassment. Then, for the balance of the life of the patent, it would be possible for anyone to ask for a reexamination of that patent on a somewhat more limited basis.

People who are interested in obtaining patents see these provisions as subjecting them to a continual cloud. If they are small inventors with limited funds, they fear that a large company could come in and just litigate them to death.

It is that type of concern.

Father DRINAN. Mr. Dann, I have a significant number of inventors and patentees in my congressional district in the suburbs of Boston. Up to now, I have had the comfortable position of saying, "I don't know anything about this." But I am afraid that starting today, I will have to know something about it.

I have been hearing the difficulties that you just enunciated from all types of people—small-business people, big-business people, and lawyers and inventors. And I haven't turned my mind to this Senate bill they passed.

I said, "The Senate always makes those things up," and they seemed to like that.

But I may ask this: Did the patent office have any official position with regard to this bill as it was going through and as it passed?

Mr. DANN. We, of course, as part of the administration, are supposed to support the administration position. However, as expressed in Secretary Richardson's letter, there are things that we think could be very much improved.

Mr. KASTENMEIER. Your position, if I may interrupt——

Father DRINAN. Yes.

Mr. KASTENMEIER [continuing]. Is that Secretary Richardson spoke for you and the administration in saying they would support S. 2255 with certain amendments, but only under those circumstances?

Mr. DANN. That is correct, with one very significant amendment. He was not speaking for the administration. He was speaking for the Department of Commerce. And he expressly disclaimed authority to speak for the administration.

Mr. KASTENMEIER. Yes, but he was speaking for the patent office as a subsidiary of the Commerce Department?

Mr. DANN. Certainly.

Father DRINAN. Well, do Mr. Richardson's proposals or propositions or do you, Mr. Dann, feel that the argument that you yourself just enunciated has merit which I have heard from various people that the law passed by the Senate puts the burden on the inventor and that he, even prior to getting the patent, is open to all types of harassment; and in addition to which the larger companies or those with more resources can, in fact, take the invention prior to the patent and just deprive him of the benefits.

Mr. DANN. Well, it is my personal view that there is merit to those claims, although I again disclaim speaking on behalf of the administration.

The administration has not decided this year what its position is.

Father DRINAN. One last question. Who or what were these sinister forces that put these provisions in this bill contrary to the bar and the inventors and the administration?

Mr. DANN. Well, I believe most of those groups would feel that the Department of Justice had a strong hand in them.

Father DRINAN. But there are no consumer groups or anything like that?

Mr. DANN. Some of the consumer groups expressed themselves publicly on behalf of, or supporting, the position of the bill.

Mr. KASTENMEIER. If the gentleman would yield.

Father DRINAN. It might be an interesting scenario we will get.

Thank you very much.

Mr. KASTENMEIER. Was S. 2255 a variation of S. 1308 or was that a variation of the Hart bill, Senator Hart's bill?

I frankly don't recall the genesis.

Mr. DANN. It was really a variation of S. 1308. That was the beginning. And then it was modified by the Senat subcommittee.

Mr. KASTENMEIER. I recall one time Senator Hart had a proposal and was a legislator that had a hand in the final version of this one, S. 2255.

I am sure he had a very prominent hand in this. And some of the provisions that were in his own bill certainly found their way to S. 2255. But the framework was that of S. 1308.

I yield to the gentleman from Pennsylvania.

Mr. ERTEL. Thank you, Mr. Chairman.

I am curious, Mr. Dann; you talked about getting the patent from a date of filing, and you have your protections from that point. What happens then if the patent is rejected 18 months down the line based upon priority? Have you not then created basically a patent monopoly for an 18-month period which is invalid?

Mr. DANN. No.

Are you asking, under the proposal, where the term would begin?

Mr. ERTEL. Beginning at the time of filing, yes.

Mr. DANN. The time would begin from the filing date, but, the protection would not begin until the patent was actually granted.

Mr. ERTEL. No. 1, would the patent application be confidential from the date of filing?

Mr. DANN. Yes, under present law, we are required to keep them confidential, and that would continue to be true.

Mr. ERTEL. And it would still be confidential under the system where you would date the term of the patent from the time of filing.

What happens if independently somebody comes up with a patent and during that period of time, that 18-month period, while you are either giving the patent or rejecting the patent application somebody else comes out with a product? Would he be liable at that point for infringement?

Mr. DANN. Not at that time. Just as today, there is no protection until the patent is granted. It is not an infringement to practice it during the pendency of the application.

Mr. ERTEL. So really, what you are just saying is you shorten the time of the patent protection for the time of the period of the processing of the application.

Mr. DANN. Yes.

Mr. ERTEL. And you also spoke about the abridgement of contesting the patent, by the public or someone else, using it for harrassment. Wouldn't the answer be if someone wanted to attack a patent today by getting a patent issued, you have got a presumption of validity, and they come in and attack on a declaratory judgment or validity?

Mr. DANN. Today, in order to get in court, you either must be the patentee and decide to sue someone or you must be in some way threatened by the patentee so you have the basis for a declaratory judgment.

Mr. ERTEL. Certainly, but that is easily manufactured and is done all the time by putting out a product and enticing the patentee to send you a letter threatening an infringement action and going in on declaratory judgment.

Mr. DANN. Yes. Well, nevertheless, it would be nice to have a procedure which was simpler and less expensive than litigation, which is pretty terrible today, and which was available to people who, let us say, were not even in the business, but might be thinking about the possibility of getting in.

Mr. ERTEL. Couldn't you do the same thing as what you are suggesting by allowing the patent office to have a proceeding within the patent office, an office situated within the patent office itself, but still granting the application based upon your initial examination?

In other words, have an administrative remedy to attack, a remedy within the patent office itself, and creating a judicial presumption more than just validity?

Mr. DANN. Something along that line is what we are trying to do by this rule change. It would allow patentees to come in by way of reissue of the patent and get a reexamination when they find references that seem to threaten their patent.

Mr. ERTEL. One other question. And I have not been in the patent field for some years, but it seems to me most patents today rather than finding the backyard or garage inventor coming in at least on major patents, most of them are developed in commercial laboratories or experimental departments. Is that true?

Do you have any kind of statistics on that? I know there has to be an assignment, of course, or you can't get them.

Mr. DANN. Something over three-fourths of all the applications filed today are assigned to some company, large or small, and the balance are not. About 23 percent are unassigned.

Mr. ETREL. Of course, an assignment can be actually a sale after the development. But is there any way to statistically determine whether or not the actual development of that patent was within a research organization of a fairly sizable corporation where there is a substantial amount of money available?

Do you have any statistics like that?

Mr. DANN. Our only statistics are based on recording the assignments, but I am speaking of the cases where an assignment is recorded before issue.

Mr. ERTEL. Thank you.

Mr. KASTENMEIER. If there are no other questions, I have just one final question.

For the benefit of the 23 percent, the small, unnamed inventors, rather than institutional inventors today, what would be in a simple case the cost of obtaining an invention following through both in terms of attorney's fees, filing costs, and whatever?

Mr. DANN. Well, the average cost in Office fees to an applicant, his filing fee plus his final fee, is about $235. I suspect that the average overall cost, counting the attorney's fees—it varies a great deal according to the complexity of the case—would be anywhere from $1,000 to $2,000 or $3,000.

Mr. DANIELSON. If I may, you say that the fees of the Patent and Trademark Office would be around $250.

Mr. DANN. Yes.

Mr. DANIELSON. Thank you.

[The complete statement of Mr. Dann follows:]

STATEMENT BY C. MARSHALL DANN, COMMISSIONER OF PATENTS AND TRADEMARKS, U.S. DEPARTMENT OF COMMERCE

MR. CHAIRMAN: I appreciate very much having this opportunity to discuss the operations of the Patent and Trademark Office with the subcommittee. I will try to give a general picture of our situation, our problems and our activities and will be very pleased to discuss any part of this in greater detail as you may wish.

Our Office is a bureau of the Department of Commerce. We are under the supervision of the Assistant Secretary of Commerce for Science and Technology. Most of our 2,900 employees work at the Crystal City complex in Arlington, Virginia, which is adjacent to National Airport.

We expect to spend just uner $90 million in appropriated funds in the current fiscal year. About one-third of that amount will be returned to the Treasury in fees collected from patent and trademark applicants and other users of our services.

The Patent and Trademark Office can be viewed as having three primary functions: (1) patent examination; (2) collection and dissemination of the technology disclosed in patents; and (3) trademark examination.

PATENT EXAMINATION

The largest part of our activities is involved with examining the approximately 100,000 patent applications that are filed each year. The patent law, Title 35 of the United States Code, was enacted by the Congress under the constitutional authority contained in Article I, Section 8, paragraph 8: "to promote the progress of * * * useful arts, by securing for limited times to * * * inventors the exclusive right to their * * * discoveries." The patent law is designed to promote technological progress by providing incentives to make inventions, to invest in research and development, to commercialize new, improved, or less expensive products and processes, and to disclose new inventions to the public instead of keeping them secret.

The law defines a patent grant as the right to exclude others from making, using or selling an invention for a period of 17 years. A patent may be granted only after an examination by the Patent and Trademark Office to determine whether the invention meets the statutory criteria for patentability.

Our examination prevents the issuance of any patent on about one-third of the applications filed and results in narrowing the scope of protection defined in the claims in many of the ones that are issued. Examination also enables patent owners and competitors to better gauge the strength of patent rights. If patents were granted by a simple registration system as in some countries, without examination, each interested member of the public would have to make his own examination. From an overall standpoint it is cost-effective to have this done centrally.

The examining is done by a corps of about 900 professional examiners. Patent examiners must have scientific or technical education and many of them are lawyers as well.

Before an examiner can allow an application he must conclude that the disclosure of the invention is complete, and that the invention is new, useful, and nonobvious in the light of the closest known prior art. The most difficult part of the examination is determining with a degree of certainty whether the invention is new and nonobvious. To investigate this the examiner makes a search of the Office's files of prior U.S. and foreign patents and technical literature.

Last year we received 102,000 applications and disposed of 107,000.

During the last decade one of the most pressing problems for the Office was a large and growing backlog of unexamined patent applications and the resulting long pendency time between the filing of an application and issuance of a patent. The average pendency of patent applications in 1964 was 37 months. However, average pendency has dropped steadily in recent years. This has occurred because of new examining and processing techniques and because of some increase in the examining staff. The goal has been to achieve an average pendency of 18 months. We are now close to that goal. The current figure is around 19 months. Backlogs and patent pendency are no longer Office problems, although we must of course watch receipts and disposals carefully to avoid getting behind once again.

It should be recognized that the current 19-month pendency includes the times when we are waiting for applicants to respond to our correspondence and to pay the final fees, as well as for printing the patent and for other processing.

The Office has been paying a great deal of attention to how we can make the best examination possible within the limits of our resources. Since 1974 we have had a Quality Review Program. A 4 percent sample of applications allowed by examiners is checked by a group of experienced examiners before patents are granted. When errors are found by the reviewers, these applications are turned back for reopening of examination.

Last year it was decided to allot examiners an average of 6 percent more time than before to examine each application, to permit a somewhat more thorough examination. An average GS–12 examiner now is expected to examine an application in 19.5 hours. Since the difficulty of examining varies quite a bit in different technologies, we have a formal system for taking into account the relative complexities of the various technologies when evaluating the productivity of examiners.

We have carried out two experiments, known as the Trial Voluntary Protest Programs, in which applicants were invited to open their applications to protests from the public before their patents were granted. These programs have

shown the potential of such proceedings for bringing to the examiner's attention prior art relevant to patentability which otherwise might not be considered. Protests were filed against 6.5 percent of the 1,970 applications we published, though only about half of these actually provided a sound basis for rejecting the applications. Information obtained from these trials should be helpful in considering possible legislative changes in this area.

Last month we announced several changes in our Rules of Practice governing patent examining and appeal procedures that are intended to improve the quality and reliability of issued patents. Copies of the Federal Register notice on these new rules have been mailed to the members of this subcommittee. Some of the new rules resemble legislative proposals that were introduced in the 94th Congress and earlier, although for the most part the rules are less far reaching than the legislative proposals. Our rules must of course be consistent with the existing statute.

One of the new rules affords patent owners a relatively inexpensive way to have their patents reexamined in the light of prior art that was not considered by the examiner before. Heretofore a patent owner learning of prior art that may cast a cloud on his patent had no way to have this tested except through litigation. Our new rule allows him to obtain a reexamination from the Office by way of a small change in our regulations governing reissue patents. The Office determination of patentability will be no more binding on a court that later considers the patent than is our determination on any patent, but it will give the court the benefit of the examiner's thinking.

The rules also now provide for publishing a notice of each reissue application in our weekly Official Gazette. Reexamination will not be started until two months after publication, to permit interested members of the public to send the examiner other references that he may consider during the examination of the reissue application.

Another provision of the new rules defines the duty of candor and good faith that the applicants have to the Office, and encourages applicants to provide information about the prior art in a way that will make it more useful to examiners. Several other changes relating to quality of examination are included. Most of the new rules come into effect on March 1, 1977, with a few on July 1, 1977 and others on January 1, 1978.

INFORMATION DISSEMINATION

The second main function of the Office is the collection, classification and dissemination of technology disclosed in patents. This is a bigger part of our operations than is generally realized. Every patent application must contain a written description of the invention sufficient to enable a person skilled in the art to make and use the invention. When the patent is issued this technical disclosure is printed and widely disseminated by the Office. The disclosure of information that otherwise might be kept as a trade secret is one of the major benefits of the patent system.

We disseminate some 11 million copies of patents each year. Many of these are sold to the public at the statutory fee of 50¢ apiece. We fill almost 20,000 orders for copies of patents each day. Copies of all issuing patents are supplied to 20 libraries throughout the United States. Copies are sent to all the major foreign patent offices in return for copies of their patents. About half a million copies a year go into the search files used by examiners and the public at Crystal Plaza. Another half million are cited by examiners as relevant to pending applications and are mailed to the applicants.

Our patent printing bill for next fiscal year will be over $12 million, even though we lowered it by $1.7 million recently by securing a new printing contract. Since 1970 we have been printing our patents by a computer-controlled photo-composition method which has produced a considerable savings over the conventional hot metal printing method.

Our search file contains about 21 million prior art documents. These are divided according to subject matter into over 300 classes that are further divided into 90,000 subclasses. It is a major effort to keep the search files complete and current. More than 300 people are involved in patent documentation programs. Because subclasses grow in size and technology develops along new lines, the classification system must be updated continuously to maintain it as an effective search tool. In addition to the 70,000 new U.S. patents, plus cross references, that are added to the search files each year, we are adding foreign patents at the

rate of over a quarter million a year, and a considerable volume of non-patent technical literature.

A good search file is a principal key to quality examination. To cope with the problems of the steadily growing file, the short range solutions are to make sure that all of the documents are classified into small, clearly defined subclasses, and to make sure that the documents that are supposed to be in each subclass are in fact there when the examiner makes a search. The long range solution is to computerize the file.

Since 1975 we have been experimenting with a computer-controlled microfilm search system in one examining group. We are now expanding this experiment, but are still a long way from achieving mechanized searching on a large scale. We plan to continue our experiments and also to monitor closely the progress being made by others in mechanized searching of technical literature.

This month we expect to install the first of four new pieces of custom-built reproduction equipment to replace the antiquated machinery we now use for making patent copies. The other new units will be installed later this year. The new equipment should improve our patent copy service substantially.

We are working actively toward the automation of more of the paper handling and record keeping functions that must be performed in connection with patent and trademark applications. This will allow us to give better service and will ultimately reduce our costs.

TRADEMARK EXAMINING

Our Office has the responsibility for administration of the federal trademark registration statute—the Trademark Act of 1946. Congress changed the name of our Office from the Patent Office to the Patent and Trademark Office in 1975 to recognize this part of our operations.

Although trademarks account for only 5% of our budget, trademark registration is quite important in helping to protect business investments and to avoid deception or confusion of consumers. A trademark is a name or symbol used to identify the source or origin of goods or services. By allowing a person to register his mark in our Office we confirm common law rights in the mark that he has obtained by using the mark in commerce. Unlike patents, trademark registrations can be renewed indefinitely so long as the mark remains in use. Last year we received about 37,000 trademark applications. About two-thirds of these are finally registered.

The procedure for examining a trademark application is roughly analogous to that followed in examining a patent application. Our 70 trademark examiners check applications for compliance with formal requirements and to see whether there is a likelihood of confusion with other marks.

Under the trademark law, unlike the patent law, there is a procedure by which competitors may oppose the registration of a mark or may petition for cancellation of a mark already registered. These proceedings are handled by our Trademark Trial and Appeal Board.

INTERNATIONAL ACTIVITIES

There are a number of international arrangements having to do with securing patent and trademark protection in foreign countries. The principal existing treaty in this field is the Paris Convention for the Protection of Industrial Property. It has been in effect since 1883 and now has 82 member states. The World Intellectual Property Organization, a specialized agency of the United Nations headquartered in Geneva, administers the Paris Convention and other agreements relating to patents, trademarks and copyrights.

The Paris Convention makes available valuable rights of priority and assures that foreigners will receive the same treatment as nationals in member countries. It is still necessary, however, for a U.S. businessman to file a separate patent or trademark application in each country in which protection is desired. The United States has helped formulate two new agreements not yet in effect which are designed to facilitate the filing of patent and trademark applications abroad.

The Patent Cooperation Treaty, or PCT, would permit a U.S. applicant to file a single English language application in a standard format and have that application mature into separate national applications in as many member countries as he has designated. The PCT was negotiated in Washington in 1970, has been ratified by the United States and West Germany, and may come into effect this year.

The Trademark Registration Treaty, or TRT, is a filing agreement under which a single trademark application can be used to secure national registrations in a number of countries. The TRT, which was signed in Vienna in 1973, has not yet been ratified by the United States and is not likely to come into effect for some years.

We are also active internationally in efforts to improve patent search files and search techniques. Efforts are underway to develop international standards for patent documents and patent searches, and to improve the international patent subject matter classification system.

The developing countries have made proposals to revise the Paris Convention in a way which they believe will foster the transfer of technology to them. We have been participating in discussions of this topic in the World Intellectual Property Organization and other international organizations. While very sympathetic to the objective, few of the proposals for change would, in our view, be effective and some might be quite counter-productive.

PATENT REVISION LEGISLATION

Finally, I would like to mention the situation with respect to patent revision legislation. Numerous proposals have been made in recent years for revising the patent laws. This activity dates back to the report of the President's Commission on the Patent System in 1966. The Commission made 35 recommendations for improvements in the patent system. Some of the aims of the Commission, such as the shortening of pendency time of patent applications, have been achieved without legislation. Nevertheless I believe it is generally thought that certain changes are still needed in the patent statutes to assure the quality and reliability of U.S. patents.

Following the report of the President's Commission a patent revision bill was introduced in 1967. Some features of this bill were opposed by segments of industry and by bar and inventor groups. By 1969 a modified version of the bill had the general support of the Executive Branch and of the private sector. In 1970, however, patent licensing amendments were introdueed by Senator Hugh Scott which made patent law revision onee more controversial. The Justice Department and the Commerce Department independently presented opposing views on the amendments before the Senate Subcommittee on Patents, Trademarks and Copyrights.

Thereafter there was an attempt to arrive at a eommon Administration position. From this came an Administration bill, S. 2504, that was transmitted to Congress in the fall of 1973.

Subsequently this bill was modified to a limited extent by the Administration, reappearing as S. 1308 at the beginning of the 94th Congress. It was then modified more extensively by the Senate subcommittee and became S. 2255 which the Senate passed last February.

S. 2255 has met with opposition from inventors, research organizations, small and large businesses and patent bar groups. I do not know what kind of patent revision legislation, if any, the Administration or the Department of Commerce will be recommending this year. The matter is under study. The new Patent and Trademark Office rules I mentioned may give us some experience that will be pertinent to the legislative issues. Whether or not eomprehensive patent revision legislation is considered by your subcommittee within the next two years, the Commerce Department may well forward draft bills on one or more items of more limited scope that are eurrently under study.

Again I want to express my gratitude for this opportunity to brief you on the Patent and Trademark Office. I will be glad to try to respond to any question you may have.

Mr. KASTENMEIER. Thank you very much, Commissioner Dann, and Mr. Parker, Mr. Tegtmeyer, and others who are here today. We look forward to seeing you perhaps on another occasion quite soon in connection with some specific item of legislation.

Until then, we appreciate your appearance today.

And the committee will reconvene tomorrow morning at 10 o'clock.

Until that time, we stand adjourned.

[Whereupon, at 3:15 p.m., the hearing was recessed, to reconvene at 10 a.m. on Thursday, February 17, 1977.]

GENERAL OVERSIGHT

THURSDAY, FEBRUARY 17, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE,
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:10 a.m. in room 2226, Rayburn House Office Building, Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Danielson, and Drinan.

Staff present: Bruce A. Lehman, chief counsel; Timonthy A. Boggs, professional staff member; Gail Higgins Fogarty and Michael J. Remington, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The committee will come to order. This morning we are pleased to continue our hearings in the nature of briefings at the outset of this 95th Congress to familiarize the subcommittee members with the state of the various offices, agencies, bureaus, departments, with which this Subcommittee particularly deals. These hearings are for the purpose of enabling the chief officers of these agencies to describe their duties, perhaps their problems, if any there be, and even legislation which later we will, in fact, deal with in the session in greater focus.

We are very pleased and honored this morning, in continuation of this exercise, to greet the distinguished Director of the Administrative Office of the United States Courts, the Honorable Rowland F. Kirks, and his deputy, William E. Foley, well known to us, and also a number of other people with whom he works and with whom the Judiciary Committee in the past has worked.

So, Mr. Kirks, you have a very considerable amount of material for us, which I guess we can hope to digest over a period of time.

You have a statement, sir, and if you would like to read your statement or summarize it, you may proceed in any manner you wish, sir. We are very pleased to have you here.

TESTIMONY OF ROWLAND F. KIRKS, DIRECTOR, ADMINISTRATIVE OFFICE OF THE U.S. COURTS, ACCOMPANIED BY WILLIAM E. FOLEY, DEPUTY DIRECTOR; JOSEPH F. SPANIOL, JR., ASSISTANT DIRECTOR; GILBERT L. BATES, ASSISTANT DIRECTOR; AND WILLIAM J. WELLER, LIAISON OFFICER

Mr. KIRKS. Thank you, Mr. Chairman, Father Drinan. I wish to thank the committee for this opportunity of appearing before you

and to be afforded an opportunity to review how we are structured and how we operate.

I have presented a rather lengthy written statement to the committee, and of course I wouldn't presume to read that prepared written statement.

With the leave of the committee, I shall highlight that report and then throw myself open to inquiry. It has been my experience, Mr. Chairman, that a great deal can be accomplished in such a proceeding if the witness will entertain all of the questions that are on the minds of the committee members and attempt to answer them, and so I shall reserve some of my time for that purpose, if I may.

Mr. KASTENMEIER. Without objection, your statement and the attachments will be received for the record, and you may proceed and summarize it.

May I ask you, for the benefit of the committee, to identify your staff who came with you this morning, so that later in the Congress when we have more opportunity to deal with them as well, we may know who they are.

Mr. KIRKS. Certainly, Mr. Chairman. I do thank you for this opportunity.

I request that my Deputy Director, William E. Foley, rise. My Executive Assistant, Joseph F. Spaniol, Jr. My Assistant Director, Gilbert L. Bates. And I have one division head, Mr. William J. Weller, who is the Chief of the newly created Division in the Administrative Office of Legslative Liaison.

Mr. KASTENMEIER. May I say with respect to some of the other gentlemen, we already know Mr. Weller, who more recently worked for the Senate Judiciary Committee, and in that capacity aided the House Judiciary Committee, our own subcommittee last year in its legislative work, and while I am pleased to see you have him on your staff as a division head, nonetheless I am sure that Congress will have some loss as a result of his leaving and going to your office.

Mr. KIRKS. Well, Mr. Chairman, he will be as available to you as an employee of my office as he was as an employee of a committee of the Congress.

Mr. KASTENMEIER. Thank you, sir.

Mr. KIRKS. So don't hesitate, please, to call upon him at any time you think he can be of any service to you.

The committee has requested that a written statement be presented to the committee and that has been done and at this time I shall try to highlight some of the features of that lengthy written report.

We are so seldom afforded an opportunity of explaining what we do and how we do it, and how we are structured, I didn't mean to take advantage of the opportunity you have provided by submitting so lengthy a written statment, but I did want to cover all points, and that is the reason it is as long as it is.

The Administrative Office of the U.S. Courts is basically the business office and executive arm of the Federal judicial system.

The Office was established by act of Congress on August 7, 1939. We are responsible to and respond to the Judicial Conference of the United States.

Putting it in rather mundane terms, Mr. Chairman, it is our statutory responsibility to feed, clothe, and house the entire judicial system

composed of approximately 12,000 persons. We keep records of all of the activities and the business of all of the courts in the system.

To properly orient the Administrative Office and its functions, it is necessary for me to comment very briefly on the structure and functions of the Judicial Conference of the United States, which is composed of 25 judges, the chief judge of the 11 circuits and an elected district judge from each of these 11 circuits—making a total of 22—and the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals. This body of 24 judges is presided over by the Chief Justice of the United States as Chairman of the Judicial Conference.

The Conference functions primarily through two dozen committees which cover every aspect of the judicial affairs of the Nation. The Administrative Office provides staff support and backup to each of these some two dozen committees, which meet a minimum of twice a year.

We assist in the composition and formulation of the agenda for each of these committee meetings. We are charged with the preparation of reports and recommendations from each of these some 24 committees to the Judicial Conference itself, which, likewise, meets twice a year.

One of the most exacting responsibilities of the Administrative Office is to prepare the draft budget which is presented to the appropriations subcommitees of the Senate and House, wherein is sought funds of the Congress in order to operate the entire judicial system.

I might say at this point, Mr. Chairman, the Congress has been generous to the judiciary in the funds that they have made available to us to operate our system.

The budget requests and the grants by the Congress approximate $430 million.

We are charged with overseeing the proper expenditure of these funds in the Administrative Office, and in auditing all expenditures of the moneys provided by the Congress.

In about 2 weeks we will appear before the Appropriations Committee of the House to present and justify the budget request by the judiciary.

As an agency of the Government, we are required to present a line item budget. The Appropriations Committee does not make a block grant, if you will, where just one lump sum is appropriated and then we proceed to operate within that grant.

We have to justify with great particularity items which in the context of the overall Federal budget are almost minuscule, including what we are going to pay court reporters, what we are going to pay deputy clerks of court, and then all of the employees, including the judges of the entire system, U.S. magistrates, referees in bankruptcy.

The Administrative Office does not have oversight of the Supreme Court, because the statute was not designed that way. I and my staff in the Administrative Office work for the Supreme Court as well as for the Judicial Conference. The Supreme Court makes its separate appearance before the Congress to present and justify its budgetary requirements.

The auditing of the expenditure of a sum as large as $430 million is no minor task. We audit with professional particularity, care and skill every cent that is spent throughout the entire system.

So we have in the Administrative Office a Financial Division which prepares the draft budget, for approval by the Judicial Conference before we present it to the Office of Management and Budget, and it is in turn transmitted by OMB to the President, and by the President to the Congress.

Through the Probation Division of the Administrative Office we manage the entire probation service of the Federal Government, which, as of the present moment, has oversight of some 68,000 probationers.

Another facet of the operation of the Administrative Office is the administration of the U.S. magistrate system, and the referee in bankruptcy judge system, and also the public defender program.

The Administrative Office is the central repository for statistical and other informational data pertaining to the entire operation of the judicial system, such as detailed data on all criminal cases and civil cases and bankruptcy matters, which are the daily business of the 105 Federal courts. Four hundred and seventy-four magistrates, and 232 referee judges in bankruptcy provide us with a constant flow of statistical data on the business of their respective courts, and we maintain a central file on all of that information.

After we collect the data provided from the 105 major courts in the system, we collate it, we analyze it, we study it, and from that process we evolve recommendations which we transmit to any one of the 24 committees of the Judicial Conference. The committees then consider our recommendations, which might include a request of the Judicial Conference to authorize the presentation to the Congress of a proposed amendment to an existing statute, or the introduction of new legislation which will alter present law.

So we perform a great deal of in-depth analytical appraisal of what is going on in the Federal judicial system.

We have data on every judge in the system, we know how many times he takes the bench in a year, how long he is engaged in the trial of a case, how long that case is under advisement before it is finally disposed of. And we provide data to the circuit chief judge and the district chief judge along these lines, so that they have at their fingertips data which will make it possible for them to manage a more efficient, effective, and less expensive court. I have, upon other occasions, when asked what is the purpose of the Administrative Office of the United States Court, responded in this fashion: It is our responsibility to assist each judge in the system to provide the highest quality of justice in the shortest period of time, and for the least possible cost to both sides of the litigation.

We are never involved in the, if you will, the judicial resolution of any matter. It would be unthinkable and presumptious for us to interject ourselves into the decisionmaking process. That is reserved exclusively unto the judge or the bench if it is a multijudge case.

But we try to put right at the fingertips of every judge and his staff resources and support, so that he may do a better job than he otherwise would be capable of doing.

One thing that we are now working on assiduously, as we have been for several years, is maximum use of computers. We have computerized everything we can computerize.

We have our computer, for handling our internal business, keeping track of our appropriation of $430 million. We have a complete inventory of some $32 million worth of law books in the system.

We have a stewardship responsibility with respect to this particular physical property feature of the system. We are endeavoring to discharge that responsibility in a responsible fashion. As the members of the committee know, after we collect, collate, and analyze and make recommendations from all of the statistical data we gather, we are required by law to render an annual report to the Congress, to the Attorney General and to the Judicial Conference of the United States.

Here is a soft bound copy of a recent annual report.

So what we do is a matter of public record, it is in the public domain from the moment we compose it. We have, as a result of computerization, been able to do something new in the past year, and with reasonable good fortune it will become standard operating procedure for the future. In addition to the annual report we have issued a semiannual report, and now we have issued a quarterly report, so that the data that we expend so much time and money in acquiring and assembling is made available to the primary users of this information in time for them to react in a timely and meaningful fashion if something requires attention.

We work closely with all of the committees of the Congress and their staffs that have any oversight of legislation that is meaningful to the judicial system.

We assist the staffs of the committees in the drafting of legislation and also in the preparation of justifications for this legislation.

This concludes my oral presentation, Mr. Chairman. I and my colleagues are available to respond to any inquiry from the committee.

[The prepared statement of Mr. Kirks with attachments follows:]

STATEMENT OF

ROWLAND F. KIRKS, DIRECTOR

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

ON

THE DUTIES AND RESPONSIBILITIES OF HIS OFFICE

BEFORE THE

JUDICIARY SUBCOMMITTEE ON COURTS, CIVIL
LIBERTIES AND THE ADMINISTRATION OF JUSTICE

U. S. HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 17, 1977

Mr. Chairman, my name is Rowland F. Kirks. I am the Director of the Administrative Office of the United States Courts. I am accompanied today by Mr. William E. Foley, the Deputy Director, and several members of my staff. We are appearing today at your request to inform the Subcommittee about the responsibilities of our Office and its structure, and to relate for you some of the activities in which we are currently engaged.

Both Mr. Foley and I were appointed to our positions by the Supreme Court of the United States. All other employees of the office are appointed by me, subject to the Civil Service laws and regulations. At the present time the authorized permanent personnel strength of the Office is 422. All of us are located here in Washington in five widely dispersed locations. The Office provides administrative direction and services for approximately 12,000 officers and employees of the Federal Judiciary stationed at approximately 350 separate locations

throughout the nation, in Puerto Rico and in the territories of the Canal Zone, Guam, and the Virgin Islands. We provide administrative services and support for the United States courts of appeals, the United States district courts, the Court of Claims, the Court of Customs and Patent Appeals and the Customs Court, as well as the Temporary Emergency Court of Appeals and the court established under the Railroad Reorganization Act. We do not have any responsibilities for the administrative affairs of the Supreme Court.

I was delighted, Mr. Chairman, to receive your invitation to appear, particularly since the Subcommittee has jurisdiction over so much of the legislation affecting our Office and that of the entire Federal Judiciary. At the outset I would like to thank you for the opportunity to explain our duties.

The Administrative Office of the United States Courts was established by the Act of August 7, 1939,

to serve as the executive arm of the Judicial Conference of the United States. The Conference, as you know, was created by a law enacted on September 14, 1922, to be the policy making body of the Federal Judiciary. Until 1939 the Attorney General acted as the administrative agent for the Conference--an arrangement that many considered to be violative of the principle of "separation of powers." The historical developments in the Federal Judiciary which preceded the Act of 1939 are set out in our attached appendix.

While the Administrative Office is now the executive arm of the Judicial Conference, various statutes confer specific duties and responsibilities on the Director. The principal duties are listed in Section 604 of Title 28, United States Code. Other duties are imposed by the Bankruptcy Act; the probation laws; the wiretap statute; the Rules of Civil, Criminal and Appellate Procedure; the Speedy Trial Act; and a host of other statutes, some of which are applicable to all agencies of the Federal Government.

If I may I would like to group the duties of our Office into several major categories.

1. Financial affairs. The Director of the Administrative Office is required by law to prepare the budget for the Judiciary, to disburse appropriated funds and to audit vouchers. The budget of the Federal Judiciary is currently running about $430,000,000 per year (approximately 1/13th of one percent of the national budget). Most of these funds are disbursed directly from our office, although jury fees, reimbursement of travel expenses and certain other miscellaneous items are currently being disbursed for us by United States marshals.

2. Personnel. The Administrative Office Act authorizes the Director of the Administrative Office to "fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law." Pay schedules which are comparable to the General Schedule for all

Government employees have been established and positions within the Judiciary are created and classified under this schedule.

3. Procurement. Supplies, equipment, furniture and furnishings, and lawbooks are purchased by the Administrative Office for all judicial officers and employees, and the custody of furniture, equipment and lawbooks is assigned. Inventory records and equipment repair records are maintained in the Office.

4. Judicial survivors annuities. The Director of the Administrative Office regulates and pays annuities to widows and surviving dependent children of justices and judges of the United States and has control of the special fund established by law from which annuity payments are made.

5. Reports and statistics. The Administrative Office Act requires the Director to submit an annual report to the Judicial Conference containing information as to the courts need of assistance; statistical data and reports on the

business of the courts; and the Director's recommendations. Copies of this report are required to be submitted to the Congress and to the Attorney General and are classified as public documents. In addition, the Director is required to compile information and submit statistical reports concerning the work of the bankruptcy courts, probation officers, United States magistrates, public defenders and appointments of counsel under the Criminal Justice Act. The Speedy Trial Act requires a special report to the Congress, and the wiretap statute similarly requires the compilation of information on wiretap orders, approved by both state and federal courts, to be included in a special annual report to the Congress.

6. Accommodations. The Director is required to provide accommodations for the courts, the Federal Judicial Center, Pretrial Services Agencies and their clerical and administrative personnel. This function is carried out in cooperation with the General Services Administration,

which has the responsibility for the construction and maintenance of Government facilities.

7. Management responsibilities. The management responsibilities for the Director are voluminous and diverse. He prescribes the books and records to be kept by clerks of court and judicial officers and the forms to be used in recordkeeping. He is required by law to issue operating and procedural manuals for various court offices, to issue information bulletins, and to keep officers and employees of the Judiciary currently informed on matters pertaining to the discharge of their responsibilities. He distributes opinions of courts and contracts for the printing of slip opinions. In addition he audits the registry and deposit fund accounts maintained by clerks of court and examines court offices to determine compliance by court officers with established rules and regulations and makes recommendations to courts to improve the efficiency of operations.

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One of the most important duties of the Director is the service rendered directly to the Judicial Conference of the United States and its 24 separate committees and subcommittees. The Administrative Office serves as the secretariat for the Judicial Conference and provides staff assistance to all committees. The Deputy Director, Mr. Foley, acts as secretary to the Judicial Conference, prepares the agenda and drafts the report. He also serves as secretary to the Standing Committee on Rules of Practice and Procedure and its several advisory committees. The senior members of the Administrative Office serve as secretaries to the various Conference committees and perform similar functions for them. At the request of the Conference, or its committees, the Administrative Office conducts studies, makes investigations and drafts legislation. I should emphasize that all duties and responsibilities of the Director are carried out under the supervision and direction of the Judicial Conference of the United States.

I have furnished to each member of the Subcommittee a copy of a manual on the Organization and Functions of the Administrative Office, dated March 1976, which indicates how the Office is organized to perform its duties. We have three Assistant Directors, charged with the general responsibility for day-to-day operations; six administrative support divisions and five program divisions, each headed by a senior staff member. The divisions are organized principally along functional lines. The responsibilities generally are these:

1. Administrative services. This division is concerned with matters of procurement, court quarters and services, paperwork management and internal printing requirements.

2. Financial management. This division prepares the budget, maintains accounts, disburses funds, audits vouchers, and administers the Judicial Survivors Annuity System.

3. General Counsel. The General Counsel advises the Director on legal matters, drafts legislation and conducts studies for various Judicial Conference committees.

4. Information systems. This division provides computer services, compiles statistical information, prepares statistical analyses and publishes various statistical reports.

5. Management review. The Management Review Division conducts the examination of court offices, audits the accounts of clerks of court, and prepares analytical reports for the consideration of each court and the judicial councils of the circuits.

6. Personnel. This division classifies positions in the Judiciary, institutes personnel changes and maintains personnel records for all 12,000 judicial officers and employees.

7. Bankruptcy. The Bankruptcy Division provides supervision and guidance to bankruptcy offices, drafts legislation pertaining to the

bankruptcy system, supervises the operation of the Referees Salary and Expense Fund, and conducts surveys to determine the need for additional bankruptcy judges in accordance with the requirements of the Bankruptcy Act.

8. Clerks. The Clerks Division, a newly-established unit in the Administrative Office, maintains liaison with clerks of court, allocates positions and generally provides supervisory advice and assistance to the clerks in the performance of their duties.

9. Criminal Justice Act. This division discharges the responsibilities placed upon the Director of the Administrative Office by the Criminal Justice Act. The division consults with courts on the establishment of federal public defender offices, evaluates the need for public defenders and provides professional and supervisory assistance to public defender offices and to the courts.

10. Magistrates. The Magistrates Division conducts surveys to determine the need for full-time

and part-time magistrate positions in the district courts, makes recommendations on salaries, issues operating manuals and instructions, and analyzes the work of magistrates.

11. Probation. The Probation Division conducts studies, makes recommendations pertaining to the conduct of presentence investigations and supervision of persons placed on probation, parole and mandatory release; allocates positions in the probation service; and works to improve the professional competency of probation officers.

Mr. Chairman, as you can see, the duties of the Administrative Office of the United States Courts are not as specialized as are those of many Government agencies. Our activities are related to every aspect of the functioning of the Federal court system. Until 1968 we also were responsible for training, research and development--functions which have in the main been transferred to the Federal Judicial Center. I would like to add that

our duties and responsibilities increase annually through the enactment of new laws by every session of the Congress. Appendix C to the organizational manual, which you have before you, lists 99 additional responsibilities imposed upon the Director during the period from 1956 to 1976, either by action of the Congress or the Judicial Conference itself. Included among these are such major responsibilities as those that derive from passage of the Criminal Justice Act, the Federal Magistrates Act, and the Speedy Trial Act. We are of course glad to accept new responsibilities, particularly when they offer an opportunity to contribute to improving the administration of justice in the Federal courts of our nation. I want to express our appreciation to the Congress for the financial support given to us in the past to enable us to discharge these responsibilities.

Current Activities

One of our important duties is to transmit to

the Congress proposals for new legislation recommended by the Judicial Conference of the United States and to furnish to the Congress justification for the changes proposed. This year we expect to send to the Congress approximately 30 requests for new legislation and in addition we will be forwarding numerous responses to inquiries from Congressional committees regarding pending legislation that may affect the courts. If I may, I would like to review with you briefly some of the proposals advocated by the Judicial Conference which may be referred this year to your Subcommittee:

a. Jurisdiction. The general statutory provisions with respect to the jurisdiction of the United States district courts have not been reviewed since 1958--a period of almost 20 years. The Judicial Conference believes that the time has come for a general reexamination. During the 94th Congress, we transmitted, on behalf of the Conference, a bill which would amend the jurisdictional statute on diversity of citizenship to prohibit a plaintiff

from filing a diversity action in a district court located in the state of which he is a citizen. The Conference also commented favorably upon a bill, introduced in the Senate, to increase the amount in controversy required in a diversity case from $10,000 to $25,000. At its session next month the Judicial Conference will consider a strong recommendation from one of its committees that the diversity of citizenship jurisdiction of the Federal courts be abolished. The action of the Conference will be reported to the Congress before the first of April. We hope that the Congress will undertake to review these proposals during the 95th Congress.

b. Jury administration. The Judicial Conference has recommended several amendments to the Jury Selection and Service Act. These include repeal of 28 U.S.C. 1863(b)(7) permitting the automatic exclusion of prospective jurors who must travel a great distance to attend court; increases in attendance fees from $20 to $30 per day and in certain allowable travel and subsistence expenses

of jurors; and a provision to protect the employment rights of persons called for jury service. We are also preparing an omnibus bill which would create a presumption that the use of voter registration lists is consistent with the concept of a cross-sectional selection of juries; provide for a jury of six persons in civil cases with a reduction in allowable preemptory challenges from three to two; provide Federal Employees Compensation Act coverage for jurors injured in the performance of their duties; permit persons whose civil rights have been restored to serve on juries; and make administrative changes in the Act to facilitate the use of electronic data processing in jury selection. Several of these proposals were the subject of hearings in the 94th Congress. We hope that they may be again considered and enacted into law in the 95th Congress.

c. Filing fees. There has been no change in the fee for filing a civil action in the United States district courts in almost 30 years, although

filing fees in state and local courts have increased substantially. The Judicial Conference is asking that the entire subject of fees be reviewed and is suggesting that the Judicial Conference be given the authority to fix all fees. Currently the Conference does have authority to fix filing fees in the courts of appeals and to establish fees for miscellaneous services rendered by clerks of court and other judicial officers. At the present time, fees charged in the United States District Court for the District of Columbia are different from those charged in other district courts, apparently as a result of an oversight in the drafting of the District of Columbia Court Reorganization Act. The fees in the district court are still tied to those established for the Superior Court. The draft bill, which will be transmitted shortly, will cover all these matters.

d. Magistrates. In the 94th Congress two important proposals of the Judicial Conference were enacted into law--one pertaining to the salary of magistrates and the other, their jurisdiction. As

a result, the capability of the United States magistrates system to provide increased services to the district courts has been greatly enhanced. We are indeed grateful to the Congress for the enactment of this legislation and for the work of the Subcommittee in formulating the new laws.

In addition, however, the Judicial Conference has proposed certain technical and administrative amendments to the Federal Magistrates Act and an enlargement of the trial jurisdiction of magistrates in certain misdemeanor cases. Bills to accomplish these changes will be transmitted very shortly.

e. Protection of officers and employees. At the present time United States magistrates, probation officers and pretrial services officers are not included in the statute making it a crime to kill or injure certain federal officers and employees in the performance of their duties. The Judicial Conference believes that this added protection should be provided to all officers and employees of

the Judicial Branch of Government whose duties involve a degree of personal danger.

f. Other matters which may come before the Subcommittee. The following proposals for legislative change, recommended by the Judicial Conference, will be transmitted to the Congress within the next 60 days. We hope there will also be an opportunity for their consideration during the 95th Congress.

1. A bill to provide for legal assistants in the United States courts of appeals;

2. A bill to provide for the appointment of transcribers for official court reporters in the United States district courts;

3. A bill to conform the method of appointing officers and employees of the Court of Claims, the Court of Customs and Patent Appeals and the Customs Court to the statutory method of appointments for the district courts and the courts of appeals;

4. A bill to amend 28 U.S.C. 142

relating to the furnishing of accommodations of judges to the courts of appeals. Testimony on this proposal was given in the 94th Congress.

5. A bill relating to the retirement of the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center;

6. A bill to provide for the legal defense of judges and judicial officers sued in their official capacity; and

7. A bill to eliminate abuses prevalent under the habeas corpus statute.

The Judicial Conference of the United States will be considering several other proposals for legislative change at its session in March. Any new proposals emanating from the Conference will be transmitted forthwith following Conference action.

In conclusion, Mr. Chairman, I want you to know that the staff of the Administrative Office is available at any time to furnish to the Subcommittee

whatever information it needs or desires in the discharge of its responsibilities. We want always to cooperate with the Subcommittee. Please feel free to call upon me or Mr. Foley whenever we can be of assistance.

Thank you again for the privilege and the opportunity to appear today. I will be pleased to try to answer any questions you may have.

Appendix

AN OUTLINE IN THE EVOLUTION OF JUDICIAL ADMINISTRATION IN THE FEDERAL JUDICIARY

The federal judiciary, as did the other instruments of the national government, had a modest birth when the Congress enacted the first Judiciary Act of 1789.[1] This law made provision for the Supreme Court of the United States and two trial courts, the circuit court and the district court. It provided for only 19 justices and judges for the entire system.

The volume of business in all three courts at that early date was light and there was no need for judicial administration as we understand the term today. Supreme Court justices rode circuit and together with the district judges held trials in circuit courts.

As our nation grew and spread itself across this vast continent so did the work of the federal courts. By 1850 the Congress recognized the need to enact legislation[2] which would permit sufficient flexibility in the management of its judicial affairs to be responsive to its obligations under law in serving all the people. But even by 1850 a formal structure of judicial administration was not conceived or established. The Act of 1850 provided that when the district judge was unable to function on account of sickness or disability, the judge of another district within the circuit might be assigned to act in his place.

As the work of the Supreme Court expanded, riding circuit to conduct trials became an increasingly burdensome

duty for justices of the Court, so much so that they could spend only a token amount of time in discharging this responsibility. An intermediate appellate court was badly needed. In 1891[3] the Congress enacted legislation establishing nine circuit courts of appeals and defined and regulated, in certain cases, the jurisdiction of the courts of the United States.

In 1907[4] Congress granted authority to the Chief Justice of the United States to assign a judge from one circuit to another in the event no judge was available within that circuit.

The affairs of the federal judiciary continued to expand and in 1922, at the request of Chief Justice William Howard Taft, Congress established the Judicial Conference of Senior Circuit Judges for the governance of the federal court system.[5]

Actually, the name was a misnomer, since the group was designed to function more as a "council" than as a "conference." Its membership consisted of The Chief Justice of the United States, sitting as chairman, and the senior circuit judge in each of the U. S. Circuit Courts of Appeals.

Inadequate as it turned out to be, this "Conference" may be considered as the first significant step toward creating a structure for the administration of justice in the federal judicial system.

This group of 10 men was given the responsibility of making "a comprehensive survey of the condition of business

in the courts of the United States and preparing plans for the assignment and transfer of judges to and from circuits or districts where the state of the docket or condition of business indicates the need there-of, and submitting such suggestions to the courts as may seem in the interest of uniformity and the expedition of business."

The new law, however, was merely a first step, and its limitations were quickly apparent. The Conference of Senior Circuit Judges was to meet once each year, but when it was not in session, it had no administrative or executive arm to carry out its directives, accumulate and analyze problems, and plan for future sessions of the Conference. True, the Attorney General of the United States serviced the courts and the Judicial Conference, but he was also the chief prosecutor in the courts. Thus he played a dual role -- and, in the minds of many, a conflicting role.

Finally in 1939, seventeen years after it was organized, the Judicial Conference was given its own executive arm -- entitled the Administrative Office of the United States Courts.[6]

Later, in the enactment of the Judicial Code of 1948,[7] the name of the Conference was changed to The Judicial Conference of the United States. The membership of the Conference, however, remained the same until 1958 when legislation[8] amended the law which enlarged the Judicial

Conference. The Judicial Conference thereby became the governing body of the federal judicial system. In terms of the business world, the Judicial Conference became the board of directors for the federal judicial system. This board of directors now had an executive arm, the Administrative Office of the United States Courts, to support its activities and to implement and execute its decisions.

This same act, which established the Administrative Office, also created the Judicial Councils of the circuits, consisting of the active judges of the Court of Appeals in each circuit. The Judicial Councils of the Circuits have the direct administrative responsibility for the operation of the District Courts in their circuits as well as general oversight over their own circuit affairs. In 1971 Congress provided Circuit Councils an executive officer,[9] a specially qualified business executive, to assist them in the discharge of their administrative responsibilities.

The Judicial Conference of the United States functions to a large degree through approximately two dozen[10] committees, composed of approximately 200 judges, lawyers and law professors, which, as the committees' names indicate, cover every facet of legal and judicial affairs which concern or involve the federal judiciary. These committees meet at least twice a year, and report with the same frequency to the Judicial Conference. The Administrative Office renders full staff support to these committees.

In 1958 the Congress enacted legislation, placing in the Judicial Conference the responsibility of carrying on a continuous study of the operation and effect of the general rules of practice and procedure then and thereafter in use, as prescribed by the Supreme Court for the other courts of the United States.

In addition to giving staff support to the Judicial Conference and its approximate 24 committees, the Administrative Office has a vast array of statutory obligations[11] to fulfill. To capsule this list, it may be said the Administrative Office clothes, feeds and houses the some 10,000 employees of the federal judicial system. It prepares the budget for the system, which amounted to approximately $400,000,000 for fiscal year 1977, and justifies it before the appropriation committees of the Congress. It is the responsibility of the Administrative Office to administer the expenditure and to audit the funds appropriated to the judiciary by the Congress.

The Administrative Office is also the central repository for a complete status report on all the business in the entire system. In 1975 that consisted of 117,320 civil cases; 43,282 criminal cases; 255,061 magistrate cases; 36,061 probation cases; 254,484 bankruptcy cases, making a grand total of 706,208 cases.

Annually the Director of the Administrative Office reports to the Judicial Conference, the Attorney General

and the Congress on the state of the business of the federal judicial system.

Based upon this data which is collected, collated and analyzed, the Judicial Conference, the Congress and the Executive may determine the new legislation which is required, or the changes that may be desirable in existing statutes.

The latest known business equipment and techniques are employed to collect, collate and store the complete history of every case in the entire judicial system. The use of computers makes available instantaneous status and calendar control for each judge and court in the entire system.

In addition to its other responsibilities, the Administrative Office supervises the administration of the probation system in the federal courts, the bankruptcy courts, the United States magistrates courts, the federal public defender offices and, generally, the administration of the Criminal Justice Act.

One other important unit in the Administrative structure of the federal judiciary is the Federal Judicial Center which was established by act of Congress[12] in 1968. The Center's responsibilities are primarily research, development and training. To date its greatest contribution has been in the area of training. The Center has averaged annually the training of 20% of all the 10,000 employees in the federal judicial system, including judges. Primarily through this effort, new techniques and methods have been

devised, tried, perfected and put into use which have so materially improved judicial work output while preserving the high quality for which the federal judiciary is noted.

Thus two centuries of development have brought a fledgling federal judicial system of 19 justices and judges, without coordinated administration, to a highly-developed, modernized, well-administered system of over 650 justices and judges. But what of the future? On the 200th anniversary of our birth as a nation, it is my judgment, that judicial administration stands as strong as executive and legislative administration in the public sector, and as most businesses in the private sector.

The purpose of judicial administration is to assist each judge in every way possible to produce the highest quality of justice in the shortest possible time and at the least possible cost. In the federal judiciary this function has been entrusted to the Administrative Office of the United States Courts.

We have a strong, able, dedicated federal judiciary of which the nation may be justly proud. The future of the federal judiciary is bright and sound. Of course, as the Judiciary holds neither the sword nor the purse, it will require responsible and timely support from the Executive and the Congress.

FOOTNOTES

[1] 1 Stat. 73

[2] 9 Stat. 442

[3] Chap. 517, 26 Stat. 826

[4] 34 Stat. 417

[5] 42 Stat. 838

[6] 53 Stat. 1223, 28 U.S.C. 601-611. Title 28, U.S. Code, Sections 444-450.

[7] 62 Stat. 902

[8] A district judge from each circuit elected to a three-year term by the judges of that circuit; the chief judge of the Court of Customs and Patent Appeals and the chief judge of the Court of Claims, presided over by the Chief Justice of the United States.

[9] 84 Stat. 1907

[10] Executive Committee
Committee on the Administration of the Criminal Law
Committee on the Operation of the Jury System
Committee on the Administration of the Bankruptcy System
Committee on the Budget
Ad Hoc Committee on Habeas Corpus
Committee on Court Administration
Subcommittees: Federal Jurisdiction
Judicial Improvements
Judicial Statistics
Supporting Personnel
Committee on Intercircuit Assignments
Committee on the Administration of the Probation System
Advisory Committee on Judicial Activities
Committee on the Administration of the Federal Magistrate System
Committee to Implement the Criminal Justice Act
Review Committee
Committee on Rules of Practice and Procedure
Advisory Committee on Criminal Rules
Advisory Committee on Civil Rules
Advisory Committee on Bankruptcy Rules
Advisory Committee on Appellate Rules
Bicentennial Committee
Joint Committee on the Code of Judicial Conduct

11 In the last 20 years 86 additional responsibilities have been imposed upon the Administrative Office by the Congress and the Judicial Conference of the United States:

P.L. 859, approved - 7-9-56	Court of Claims budget to Administrative Office for inclusion in budget submissions to the Judicial Conference
P.L. 798, approved - 7-25-56	Administrative agencies allowed to settle obligations against lapsed accounts without prior approval by G.A.O.
P. L. 854, approved - 7-31-56	Compulsory retirement provisions of new retirement act - 60-day termination notices at age 70 and encouragement for 1 year
P.L. 973, approved - 8-3-56	Judicial Survivor's Annuity System. The Administrative Office is responsible for the full administration of this system which provides for annuities to widows and dependent children of United States Circuit and District Judges
P.L. 85-513, approved - 7-11-58	Committee on Rules of Practice and Procedure - fiscal affairs, supplies and duplicating
A.O. Memo 79 and Supp. 1	Assumed inventory responsibility for furniture of the United States Courts - function transferred from the Post Office Department and the General Services Administration
P.L. 86-138, approved - 8-2-59	Amendment to 28 U.S.C. 456 required the promulgation and administration of travel regulations for Justices and Judges
P.L. 86-249, approved - 9-9-59	Public Buildings Act of 1959 - In addition to space procurement in existing buildings, the Administrative Office is required to participate in space surveys for proposed buildings
P.L. 86-282, approved - 9-26-59	Federal Employees Health Benefits Act - Administration of Act on behalf of the officers and employees of the Judiciary
P.L. 86-521, approved - 6-27-60	Director assumed responsibility for the disbursing and accounting functions for Legal Aid Agency for the District of Columbia
P.L. 86-724, approved - 9-8-60	Retired Federal Employees Health Benefits Act - Approximately 25 retired judges, widows of Supreme Court Justices, and widows under JSAS are participating. Responsible for advising, withholding, and accounting for deductions and contributions in private plans. Benefits extended to those employees and survivors who were not eligible for benefits under FEHBA as retired or survivor prior to effective date of FEHBA.
P.L. 87-36, approved - 5-19-61	To provide for the appointment of 73 additional Circuit and District Judges
Judicial Conference - 9-20-61	The Conference voted to approve the new salary plan and directed that it be put into effect
P.L. 87-397, approved - 10-5-61	Required that Social Security Numbers be shown on Form W-2, Wage and Tax Statements
P.L. 88-448, approved - 8-19-64	Dual Compensation Act. To simplify, modernize and consolidate the laws relating to the employment of civilians in more than one position
P.L. 88-455, approved - 8-20-64	Criminal Justice Act of 1964. To provide for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States
Treasury Department Circular 677 - 12-15-64	Required that Social Security Numbers be inscribed on U.S. Savings Bonds for owners and co-owners
P.L. 89-45, approved - 6-22-65	To amend retired Federal Employee's Health Benefits Act with respect to Government contribution for expenses incurred in the administration of such Act
P.L. 89-187, approved - 9-2-65	To permit payment by the United States for transcripts in 2255 or habeas corpus proceedings
P.L. 89-281, approved - 10-22-65	To authorize the appointment of crier-law clerks by District Judges
P.L. 89-372, approved - 3-18-66	To provide for the appointment of 45 additional Circuit and District Judges
C.C. Decision B-158922 dated - 8-15-66	The provisions of the Criminal Justice Act of 1964 were determined to be applicable to the Court of General Sessions, District of Columbia
P.L. 89-485, approved - 6-22-66	To revise existing bail practices in courts of the United States
P.L. 89-516, approved - 7-21-66	To provide for reimbursement of certain moving expenses of employees and to authorize payment of expenses for storage of household goods and personal effects of employees of the United States

...d. Revision 8-11SP12 dated	-2-13-66	It was determined payment could properly be made by the United States for transcripts prepared by court reporters of the Court of General Sessions, District of Columbia.
P.L. 89-793, approved	-11-8-66	Narcotic Addiction Rehabilitation Act of 1966. To enable the courts to deal more effectively with narcotics.
P.L. 89-708, approved	-11-16-67	To provide optional insurance under the Federal Employees' Group Life Insurance Act.
P.L. 89-219, approved	-11-20-67	To provide for the establishment of a Federal Judicial Center and for the establishment of a retirement system for the Directors of the Federal Judicial Center and the Administrative Office.
P.L. 90-176, approved	-3-27-68	To provide improved judicial machinery for the selection of Federal juries, and for other purposes
P.L. 90-296, approved	-4-29-68	To provide for the temporary transfer to a single district for coordinated and controlled pretrial proceedings of civil actions pending in different districts which involve one or more questi of fact and for a Judicial Panel on Multidistrict Litigation.
P.L. 90-347, approved	-6-18-68	To provide for the appointment of nine additional Circuit Judges.
P.L. 90-351, approved	-6-19-68	Provides that the Director transmit to April to the Congress a report concerning the number of applications for orders authorizing or approving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding calendar year and authorized the Director to issue binding regulations dealing with the content and form of the reports required to be filed with him by judges and the Attorney General.
P.L. 90-365, approved	-6-19-68	To provide for the withholding from salary of a savings allotment for deposit of savings or purchase of shares in a financial organization.
Judicial Conference	-9-10-68	The Conference instructed the Director to arrange for a full investigation by the Federal Bureau of Investigation of the background of every probation officer appointed.
Judicial Conference	-9-10-68	The Conference authorized the Director to judge probation officer qualifications proposed as equivalent to those specified in the Judiciary Salary Plan.
P.L. 90-575, approved	-10-17-68	To abolish the office of United States commissioner, to establish in place thereof within the Judicial Branch of the Government the office of United States magistrate and for other purposes.
Judicial Conference	-3-14-69	The Conference agreed that counsel may be appointed and paid under the provisions of the Criminal Justice Act in any United States case in the Juvenile Court of the District of Columbia.
Judicial Conference	-10-31-69	The Conference authorized and directed the Administrative Office to prepare at the end of each fiscal year a list of all criminal cases which have been pending a year or more and to send these l for Chief Judge, Circuit (effected only), Chief Judge, District (effected only), U. S. Attorney, District (effected only), Attorney General of the U. S. Committee on Administration of the Criminal Law.
Judicial Conference	-3-16-70	The Conference resolved that the Administrative Office should receive for filing judicial council plans for expediting preparation of transcripts in criminal cases; and The Conference authorized the resumption of the use of J.S. 11 reports on jury service and the preparation of appropriate statistics on juror utilization.
P.L. 91-272, approved	-6-2-70	Provides for the appointment of 61 additional District Judges; and Provides for converting 1st court reporters.
P.L. 91-358, approved	-7-29-70	(D.C. Court Reform Act) Sec. 155(b) Administrative Office's Director to submit list of candidates for Executive Officer D. C. Courts Sec. 306(b) Administrative Office to designate auditor for D. C. Public Defender Sec. 307(e) Administrative Office to disburse and account for D. C. monies for D. C. Public Defender's Office.
P.L. 91-447, approved	-10-14-70	Provides for the establishment of a federal public defender organization of one or more full-time salaried attorneys in any district or part of a district in which at least 200 persons annually require the appointment of counsel.
Judicial Conference	-10-17-70	The Conference stated the duty of the Administrative Office to notify district courts of the availability of appropriated funds for appointment of magistrates. The Conference adopted policy re filling vacancies of magistrates: Vacancies may be filled without change in salary or arrangement upon the recommendation of the Director, the district court...etc. The Conference approved a recommendation of the Committee on Rules of Practice and Procedure that the Administrative Office be authorized to establish in a few selective districts an experimental program for the use of electronic recording equipment to supplement the work of court reporters to help remedy the delay problems which arise when a litigant needs transcripts for motion for a new trial and for appeal and is unable to get transcripts.

Judicial Conference	-10-29-70 (cont.)	The Conference authorized the Director to increase transcript rates for criminal copies over 50 to 80 cents per page in cases where in the Director's judgment a situation exists in a district which would be classified as unique, critical and an emergency, and also when the district court requests such action. The Conference authorized the Director to undertake a long-range study of the relationship between court reporters and district courts.
P.L. 91-647, approved	-1-5-71	To provide for the appointment of a circuit court executive for each judicial circuit and to make the Director a member of the Board of Certification. Also, Director receives statistical data and annual reports from the circuit court executive; and approves positions necessary for staffing the circuit executive's office.
Judicial Conference	-3-13-71	The Director was requested to prepare for periodic circulation to the chief judges of courts of appeal and district courts and to incorporate in his report a cooperative summary of jury utilizat Director determines the district courts in which automation of juror selection procedures is feasible decides target dates and helps the district courts meet such dates. Committee to improve the Criminal Justice Act requested the Administrative Office to prepare an administrative procedures manual to cover all matters needed for the use of the Federal Public Defenders as well as the requirements for budgetary submissions, as provided in the Act. Conference authorized the Director of the Administrative Office to submit to Congress for appropriate legislative examination the several recommendations for legislative action contained in the American Law Institute study on the division of jurisdiction between federal and state courts.
Judicial Conference	-3-25-71	Directs the Administrative Office to obliterate and withdraw all papers in simple drug prosecution cases where records are expunged under P.L. 91-513, Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 844(b) (1)) and return them to the clerk of court.
P.L. 92-210	-9-22-71	The Administrative Office will provide administrative, budget, accounting and other fiscal services in support of the Temporary Emergency Court of Appeals.
P.L. 92-261, approved	-3-24-72	The Equal Employment Opportunity Act of 1972, requires along with Civil Service Commission regulations, that the Administrative Office allocate personnel and organize its resources to administer an EEO program for the Office in a positive and effective manner and provide for the establishment of training and education programs for its employees.
Judicial Conference	-4-07-72	Director to distribute Procedures Manual for United States Magistrates, and thereafter annual supplements and periodic revisions.
P.L. 92-313, approved	-6-16-72	(Public Buildings Amendments of 1972) Administrative Office to pay GSA lease money for space used by Judiciary starting no later than July 1, 1974.
P.L. 92-392, approved	-8-19-72	Administrative Office to adjust salaries of prevailing rate employees.
Internal Revenue Service Ruling	-8-21-72	Requires the preparation of information returns (Form 1099) on payments to court appointed counsel and other persons and organizations under the Criminal Justice Act.
P.L. 92-397, approved	-8-22-72	The Director of the Administrative Office, upon receipt of written notification by a justice that he wishes to be included in the Judicial Survivors Annuity System, administers the deductions from pay, and upon death of the justice, administers and pays the survivor annuity. The only statutory responsibility of the Director which is accomplished by the Act is to enable justices to participate in the already existing system.
Rule 50(b) Federal Rules of Criminal Procedure	-10-1-72	Requires that the Administrative Office collect all district plans for expediting criminal justice that have been approved by the Judicial Councils of the circuits or any modifications to such plans. The Administrative Office shall report annually on the operation of such plans to the Judicial Conference of the United States.
Rule 55 Federal Rules of Criminal Procedure	-10-1-72	Provides that in addition to clerks, U.S. Magistrates shall keep such records in criminal proceedings as the Director of the Administrative Office, with the approval of the Judicial Conference of the United States may prescribe.
P.L. 92-489, approved	-10-13-72	Creates a Commission on Revision of the Federal Court Appellate System. The Administrative Office shall provide administrative services including financial and budgeting services for the Commission on a reimbursable basis.
Judicial Conference	-10-27-72	Director to define classification and production standards for court reporters. Administrative Office to seek views of the chief judge of the district court and the circuit court concerned when a congressional or other request is received to new places of holding court. Administrative Office to endeavor to develop among the courts and with the Postal Service a more satisfactory reporting and accounting system for penalty mailings. Implementation of new guidelines for courtrooms, judges suites and adjunct facilities.
Judicial Conference	-10-30-72	Require distribution of semi-annual listings of payments to court-appointed counsel in excess of $4,000 to the chief judges of the respective courts of appeals and district courts.

(cial Conference	-4-5/6-73	Directive of Administrative Office not to place on the payroll any person appointed to the position of probation officer until FBI investigation has been completed and a summary of the results of the investigation has been furnished to the appointing court, except when the Director determines an emergency situation requiring immediate appointment exists. Director of Administrative Office to transmit to Committee on Court Administration a report on opinion publication plans adopted by each circuit together with statistics of experiences of circuit in its opinion publication plan.
SA Rejection of urniture contract	-8-13-73	Director of the Administrative Office would assume budgetary responsibility for furniture and furnishings of United States Courts.
Judicial Conference	-9-13-73	Prepare and issue to all judges, trustees and magistrates a "Code of Judicial Conduct for United States Judges."
Judicial Conference	-9-13-73	Prescribed reports and data to be collected by Administrative Office from referees in bankruptcy. Responsibility for examination and inspection of court offices to be assumed by Administrative Office commencing F.Y. 1975.
Bankruptcy Rule 504 (adopted pursuant to 28 USC 2075)	-10-1-73	Prescribe, with Conference approval, books and records to be maintained and reports to be filed by bankruptcy judges (referees).
Bankruptcy Rule 507(a)	-10-1-73	Prescribe, with approval of the Judicial Conference, form and style of the "bankruptcy docket."
Bankruptcy Rule 507(a)	-10-1-73	Prescribe with approval of the Judicial Conference, books and records to be kept by the clerk of court relating to bankruptcy cases.
Bankruptcy Rule 512	-10-1-73	Prescribe regulations with Conference approval for reports to be made by designated bankruptcy depositories.
Bankruptcy Rule 909	-10-1-73	Promulgate illustrative bankruptcy forms.
Bankruptcy Rule 927	-10-1-73	Authorize the approval of printing and distribution of local bankruptcy rules.
33 Comp. Gen. 301	-10-11-73	Audit claims of private attorneys representing judges in their official capacities.
(cial Conference	-1-1-74	Judicial Conference Committee on the Operation of the Jury System required in order to implement action of April 1974 Judicial Conference relating to grand jury statistics that each clerk of court send certain statistical information on grand juries to the Administrative Office via JS-11C forms.
P.L. 93-236, approved	-1-2-74	Regional Rail Reorganization Act of 1973, establishes special court (panel of three judges).
P.L. 93-340, approved	-7-10-74	Director to withhold municipal taxes from salaries per agreement entered into by Secretary of Treasury.
P.L. 93-350, approved	-7-12-74	Head of agency fixes minimum and maximum age limits within which original appointments to "law enforcement officer" positions may be made; exempts employees from mandatory retirement until age 60; determines whether employee is eligible to retire under the hazardous duty provisions, with the concurrence of the Civil Service Commission.
P.L. 93-595, approved (Federal Rules of Evidence, Rule 706)	-1-02-75	Provides for appointment by court of expert witnesses in certain criminal and civil (land condemnation) cases. Payments will be made by A.O. from Judiciary Appropriations.
P.L. 93-619, approved	-1-1-75	Speedy Trial Act of 1974. Administrative Office receives plans of district courts, reports annually to Judicial Conference on the operation, reports to Congress detailing the plans, prescribes, with the approval of the Judicial Conference, forms, procedures and time requirements included in the plans; makes recommendations for legislative changes or appropriations required; prescribes forms and regulations for collection of statistical information by clerks of court; allocates appropriations to judicial districts for planning, reports suspensions of time limits to the Congress; establishes ten pretrial services agencies, designates five chief pretrial service officers, cooperates in operation of or contracts for operation of facilities; reports to Congress annually on accomplishments; makes final comprehensive report on Act.
P.L. 94-27, approved	-5-09-75	Travel Expenses Amendments Act of 1975. The Director prescribes regulations with respect to official travel by employees of the judicial branch.
P.L. 94-82, approved	-8-09-75	Director to make cost-of-living adjustments in Judicial pay.
P.L. 94-717, approved	-2-27-76	Director to recommend or to pay of part-time referees, and to make monthly disbursements of salary to full-time referees.
Judicial Conference	-9-25-75	Director of the Administrative Office is instructed to provide an ordered inventory of under-utilized courtroom facilities to the Conference and to inform Committees of Congress that abolishment of such facilities is properly a matter of Congressional jurisdiction.
Judicial Conference	-9-25-75	Director of the Administrative Office is authorized to include in the fiscal year 1977 budget a sufficient number of deputy clerks for the courts of appeals to achieve a ratio of deputy clerks to the filings projected of 1-75.

Judicial Conference	-9-25-75	The Director of the Administrative Office is authorized to include in 1977 budget a sufficient number of deputy clerks to the civil and criminal filings projected for the district courts at [illegible].
Judicial Conference	-9-25-75	The Director of the Administrative Office, with a view to the implementation of Title II of the Speedy Trial Act of 1974, is authorized to establish on a demonstration basis a pretrial services agency in ten judicial districts; five to be administered by the Division of Probation and five to be administered by boards of trustees appointed by the chief judges of each of the five districts. The Director was further instructed that his report to the Congress on July 1, 1979, must compare accomplishments of the two types of pretrial service agencies as well as make a comparison with monetary bail or other programs used to insure presence at trial.
Judicial Conference	-9-25-75	The Director is authorized to distribute to the chief judge of each district court for guidance upon the implementation of the Speedy Trial Act a report on the various options available to the courts with respect to the summoning of grand juries to achieve eventual compliance with Section 3161(b) and (f) of Title 18, U.S.C.
Judicial Conference	-9-25-75	The Director is authorized to disseminate to the chief judges of the district courts a report on appointments and payments made under the Criminal Justice Act in 1975.
Judicial Conference	-9-25-75	The Director of the Administrative Office is named secretary to the Bicentennial Committee of the Judicial Conference.

Mr. KASTENMEIER. Thank you very much, Mr. Kirks, for that explanation of the duties of your office.

You indicate in your prepared statement that you will have some perhaps 30 legislative proposals. I think many of them will ultimately come before this subcommittee, probably the majority of them. I won't at this time go into them, although as I read through your statement, I can see that in whole or in part we have dealt with many of them in the past.

I, on occasion, have breakfast with the Chief Justice, and he and others have emphasized the urgency to consider the question of diversity jurisdiction with respect to the impact on the courts. I know that he would like to have the Congress reconsider the Speedy Trials Act. However, that emanated from another Subcommittee of the Judiciary Committee. I don't know what would be its impact on the courts, whether valuable or not in terms of the administration of criminal justice.

We appreciate that the question of juries with which you are also concerned has been deferred. There are a lot of legislative proposals that have arisen and we will be dealing with those.

The judgeship bill still reposes in another subcommittee, notwithstanding the fact that structurally or jurisdictionally it ought to repose in this subcommittee, and will hereafter. And we will therefore, I think, be in a better position to assess, in light of the new additions to the judiciary, its impact on the court structure, on the workloads, along with the Judicial Conference, which you really are the administrative branch of, as well as the recommendations of the Commission which considered the Federal appellate court system.

These will be major undertakings this year, so I know we will have a chance to counsel with your Office and to invite you to submit testimony from time to time as your proposals come in.

That is really all I have to say. I realize there are many questions regarding the courts, such as what about access to the Federal courts, which probably is not primarily your concern. That is to say, you view yourself as the administrative arm of the courts in terms of aiding the courts to do their job.

But others pose the question: Do the citizens have sufficient access to the courts, whether for civil or criminal or other purposes, and whether the courts can respond.

I think too often those who submit proposals for changes do not, at least politically, address themselves to such questions, and they must, because we must deal with them.

In any event, we look forward to working with you in this Congress and I appreciate personally your appearance, Mr. Kirks.

Mr. KIRKS. Thank you, Mr. Chairman.

Mr. KASTENMEIER. I yield to the gentleman from California.

Mr. DANIELSON. Thank you, Mr. Chairman, and thank you, Mr. Kirks.

I came late, unhappily from my point of view. I want to thank you for what you have told us. I would like to ask two questions relating to your statistics.

One of the problems we have is we all frequently receive complaints that there is not a uniformity in sentencing in criminal cases.

Would the statistics which you accumulate—I should think they would be of value, but I would like to know your opinion—if they could be disseminated throughout the various courts, and somehow or other be used as a sort of guideline in the imposition of sentences?

One, are they so disseminated, such data, and, two, do you know if any effort is made to use them as the basis for helping to arrive at a uniform sentencing system?

Mr. KIRKS. In answer to your first question, sir, they are not just automatically disseminated.

This question of sentencing has plagued the judicial system for some period of time, and it has at long last risen to the sort of top of the pile of matters requiring immediate attention.

There is a committee that is making an indepth study of this subject and it will make its recommendation to the Judicial Conference which in turn unquestionably will request the Congress to enact certain legislation affecting it.

And in addition to disparity of sentencing, there is another facet to the problem that has progressed considerably and that is the question of review of sentencing. This is a controversial subject as to who should perform the function of reviewing sentences.

I do not believe there is much dissent in the judicial system over the basic proposition that the review of sentencing is desirable. But there is a great deal of conflict as to who or what instrumentality should be charged with this responsibility, whether or not it should be a committee or commission of district judges, or appellate judges. And on that there is strong feeling.

Mr. DANIELSON. Sir, I appreciate your comments, I understand them, and I am pleased to hear that you have a committee working on this problem.

I also recognize that sentences can not be uniform, but I believe there should be an effort made to come to a more equitable level of sentencing.

Mr. KIRKS. Right, sir.

Mr. DANIELSON. But this data is available to judges who request it, I would gather, is that correct?

Suppose I were a district judge in California, and I communicated with you and asked you if you would please give me a printout from your computer on what they do in regard to a certain type of offense?

Mr. KIRKS. Yes, sir, bank robbery, for instance, to illustrate, what is sort of the practice among all of the judges in my district.

Mr. DANIELSON. I could receive it from you in that event, is that correct?

Mr. KIRKS. Yes, sir.

Mr. DANIELSON On that same point, does your data reflect—you say it does reflect the number and length of time that cases are under advisement?

Mr. KIRKS. Yes, sir.

Mr. DANIELSON. Suppose that you have a situation where a judge has cases under advisement somewhat longer than is the norm for the judges in his district, for example, and maybe some of them are under advisement quite long, in excess of a year. Is there any mechanism within our system under which some effort is made to give the judge an incentive to please get the case out from under advisement?

Mr. KIRKS. Yes, sir, there is. Fortunately we have addressed ourselves to that and it takes this particular form: Judges are required to render a report on their docket and the status of their cases. We accumulate data for the entire system. The circuit council is charged by statute with the oversight and governance of the district courts within that circuit.

Now most circuits hold a circuit council meeting certainly monthly, some more frequently, depending upon the size of the court and the volume of work it handles. At that circuit council meeting, the chief judge of the circuit should, if he is attentive to the work of his circuit, take appropriate action to prevail upon the judge to reach a decision and render a decision. If, for some reason, maybe he has suffered an illness of a protracted nature, if he needs help, maybe lifting the case out of his hands and putting it in another judge's hands, who can conclude the matter.

Now at the two meetings of the Judicial Conference of the United States, the chief judges, speaking on behalf of their jurisdictions, have to report cases that have been under advisement 3 months, and as you have indicated, as much as 6 months, and the Judical Conference will ask the chief judge what have you done about it and what are you going to do about it.

So there is a constant review of the status of cases, sir.

Mr. DANIELSON. Thank you very much. I have no further questions. Thank you.

Mr. KASTENMEIER. The gentleman from Massachusetts.

Mr. DRINAN. Thank you, Mr. Chairman. Mr. Kirks, I congratulate you upon the excellent material that you have given us, and I commend you also on the management of your Office over the past many years.

I have only one question related to diversity, and I am inclined to agree with you, and everybody else, I guess, that we need the full elimination of diversity.

But with regard to the proposal that it be increased to $25,000, would you have any statistics or could you send them to me as to how much relief that would give to the Federal courts?

As you know, diversity cases account for more than 25 percent of all jury trials last year, and 68 percent of all civil jury trials. The 30,000 diversity cases constituted almost one-fifth of the total filings in the court.

If we raise that to $25,000, what relief would come?

Mr. KIRKS. One of my colleagues has advised me 22 percent, sir.

Mr. DRINAN. It would be diminished by 22 percent?

Mr. KIRKS. Yes, sir. But I will be happy to provide you in writing an answer to your question.

Mr. DRINAN. Going back to the raise from $3,000 to $10,000, there were a few howls before that, but after that somehow the court lawyers and the insurance companies managed to survive.

But if we put it up to $50,000, would that be the equivalent of eliminating it?

If you could send me information on that, I would appreciate it, because I think that has a serious chance of enactment.

Mr. KIRKS. All right, Father, if I may submit it to you and to the committee, in writing, sir, I will be happy to.

Mr. DRINAN. Please. Once again I commend you upon the fantastic statistics you have here about every single Federal judge, and I can

see how hard they work, or, in a few cases, don't work. But speaking for Massachusetts, I am really chagrined that the caseload has mounted so badly. This makes out a case for more judges. Also that if diversity were eliminated, or sharply curtailed, the courts would get some relief from that.

Thank you very much.

Mr. KIRKS. Thank you, sir.

Mr. KASTENMEIER. On that note, I observe that my own judicial district, Wisconsin Western, had, for one judge, 727 new filings in 1976. Those are civil filings, notwithstanding the more or less 100 case filings for criminal matters. This points out that not only does that district need an additional judge, but that the problem of encouraging or diminishing cases generally, particularly in the civil sector of the Federal system, has to be considered and is part of the situation.

Mr. Mooney, do you have any questions?

Mr. MOONEY. No questions, Mr. Chairman.

Mr. KASTENMEIER. If not, I want to thank you very much. I second what the gentleman from Massachusetts said, I don't think anybody has ever given us quite as much statistical background information as you have presented us this morning.

Thank you, Mr. Kirks, and your staff, for attending this morning. We will see you later in the year.

Mr. KIRKS. Thank you, Mr. Chairman, and members of the committee, for this real privilege of appearing before you and we are looking forward to working as closely as you desire with your staff and the members of your committee, sir.

Mr. KASTENMEIER. Thank you. Perhaps today marks a day in which many personnel with whom you deal, I think, will be entitled, by virtue of the inaction of the Congress, to a very substantial increase in salary, which may to some extent mitigate our problems as far as the judiciary is concerned.

Mr. KIRKS. I was greatly disappointed when you recounted your conversation with the Chief Justice to observe that apparently he made no mention about getting an increase for our salaries, at least at the staff level, Father Drinan. That is the No. 1 legislative consideration for 1977, to get this log jam broken, where we are all frozen in our salaries and the second, I believe, is the determination of the Judicial Conference that after the pay is adequately established, additional judgeships for the system.

Mr. KASTENMEIER. Yes. Thank you.

Now I am very pleased to greet, representing the new U.S. Parole Commission, the Honorable Curtis Crawford, Chairman of that Commision, and his staff.

TESTIMONY OF CURTIS CRAWFORD, CHAIRMAN, U.S. PAROLE COMMISSION, ACCOMPANIED BY JOSEPH A. BARRY, GENERAL COUNSEL; JAMES A. FIFE, EXECUTIVE ASSISTANT; JAMES C. NEAGLES, CHIEF HEARING EXAMINER; AND BARBARA MEIERHOEFER, RESEARCH ASSISTANT

Mr. CRAWFORD. Good morning.

Mr. KASTENMEIER. Good morning, Mr. Crawford. We have your statement, we appreciate having it. I note it is extensive, and has a great deal of statistical information. Mr. Crawford, we not only cordi-

ally greet you, but if you care to read your statement, fine; if you care to summarize it, that would be acceptable.

Mr. CRAWFORD. Thank you very much, Mr. Chairman, and members of the committee.

First, I should like to say that I am very happy, very pleased to have been given this opprtunity to appear before this very distinguished committee.

As you indicated, I do have a summary prepared of our report to the Congress this morning. And I would like to read that brief summary.

I would also like to indicate to you this morning that I have several members of my staff with me, and they are here primarily to certainly give aid and assistance and comfort to me, but on the other hand, they are also here to provide you with any additional information you might desire at this particular time.

Mr. KASTENMEIER. Would you care to introduce your staff?

Mr. CRAWFORD. Yes, sir, I sure would. To my right, Joseph A. Barry, who is the General Counsel. Mr. James Neagles, Chief Hearing Examiner for the Parole Commission. Mr. James Fife, who is my immediate executive assistant. Also appearing from the reseach section is Ms. Barbara Meierhoefer. Dr. Hoffman is our Chief Researcher, and he had some other commitments today and could not be present. However, Ms. Meierhoefer is very capable in that section, and I think she can provide the committee with any answers in that area.

Briefly, the summary I would like to read this morning follows:

The U.S. Parole Commission has completed the implementation of the Parole Commission and Reorganization Act, which became effective May 14, 1976. Although some refinements in structure and procedure remain to be made, the Commission is carrying out the intent of Congress when it enacted the above-cited legislation.

By the effective date of the act, the Commission had prepared and published regulations to comply with the new statutes. Those regulations and a few modifications made since, were published in the Federal Register. Supplementing the regulations, a wholly new set of internal procedures was adopted. Intensive training was engaged in with Commission personnel at our five regional offices, and we participated in joint training sessions with staff of the Bureau of Prisons, the U.S. Probation Service, and other related agencies.

A major problem converting the Commission's previous procedures to those authorized by the Parole Commission and Reorganization Act lies in the budget preparation area.

Here, Mr. Chairman, I would like to make some changes in this brief summary, where it is indicated that there has been considerable confusion over the respective roles of the Commission and the Department of Justice relative to the Commission's independence in preparing and approving its own budget requests for submission to the Office of Management and Budget. I would like the record to show that to date there has not been any confusion in the preparation and the approving of the budget.

I would prefer the record to show that the confusion, perhaps, has been in the role rather than in the preparation and approval of the budget.

As a result of the new legislation, the workload of the Commission has increased because of the necessity to conduct a larger number of hearings with prisoners and parolees.

Many legal issues have been raised and there is a pronounced increase in activity by the Commission's legal staff as it works with U.S. attorneys and advises the Commission relative to its own procedures and policies.

The courts have generally upheld the Commission's policies and procedures adopted to carry out the provisions of the Parole Commission and Reorganization Act.

The Commission built upon its experience during its pilot project carried out prior to the new legislation which involved experimentation with a regional operation. The use of a panel of hearing examiners, with decisionmaking guidelines, coupled with review by regional commissioners, plus a two-stage appeal system in the pilot project, made for a relatively smooth transition.

Our research continues to test the validity of the guidelines concept; and the effectiveness of the salient factor score as a parole prediction tool seems to remain reliable and valid.

Some of the States of the Nation are making serious beginnings to emulate our methods with regard to guidelines for decisionmaking.

It is quite clear that parole, as an entity, using the present procedures, is an essential part of the criminal justice system. There is no substitute for parole as a means of gaging the proper time of release from custody. It is impossible to do so at the time of sentencing without sacrificing the individuality which is a vital part of an equitable, fair system of corrections and justice.

Mr. Chairman, that concludes my summary statement, and copies of the complete statement have been submitted to this committee and to the staff and made available for public consumption.

At this time I would be happy to entertain and try to answer any questions the committee might have and if I can't answer them, we will try to find the answers for you.

[The prepared statement of Mr. Crawford follows:]

REPORT
OF THE
UNITED STATES PAROLE COMMISSION

TO THE

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES AND THE ADMINISTRATION OF JUSTICE

THE COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1977

IMPLEMENTATION OF THE PAROLE COMMISSION AND REORGANIZATION ACT

A. Rules and Procedures

Detailed analysis of changes needed to adjust to the new requirements began promptly upon receipt of the Conference Report on the Parole Commission and Reorganization Act dated February 24, 1976.

Analysis evolved into a staff committee project. The mission assigned the committee was to re-draft the Code of Federal Regulations applicable to paroling, recommitting, and supervising Federal prisoners and to develop actions to effect the necessary changes in decision-making and parole operating procedures.

Revised procedures were approved by the Board of Parole and were published in the Federal Register as a notice of proposed ruling making on May 12, 1976. After public comment was received and reviewed an outline of measures was designed to implement the new procedures and responsibilities of the Parole Commission, and this was published under the provisions of the Administrative Procedure Act. Thus, beginning on the effective date of the Act, May 14, 1976, the Commission operated under the new procedures.

Time afforded between passage of the Act and implementation on May 14, 1976 was very short in view of the details to be worked out. Cooperation of the Bureau of Prisons, Probation Service, and the United States Marshal's service was outstanding and absolutely essential to coordinate interagency changes. Joint

training sessions with Bureau of Prisons personnel and Parole Commission personnel in the field were executed beginning in late April. These taxed staff, but were largely responsible for the relatively smooth transition to operation under the emergency rules.

Joint sessions continuously revealed unforeseen problems to be solved by coordinated action. One session revealed misunderstanding regarding responsibility for issuing the parole certificate for individuals designated for parole by the sentencing court. It was an eleventh hour revelation and joint action over lunch developed the necessary new form and agreement on division of responsibilities to implement it.

Implementing mandatory hearings at two-thirds of sentence proved troublesome to the Bureau of Prisons. Information needed to identify eligibles and indicate the numbers involved was difficult to obtain from existing files. Developing information about the numbers and identities of those eligible for early termination of parole and those for whom a hearing was mandatory in order to continue them on parole beyond five years proved equally difficult for the Probation Service. These are illustrations of difficulties caused by requirements that were not foreseen when records systems were designed. These were largely resolved by finding information elsewhere and re-designing records.

Disclosure of files to inmates prior to parole hearings was not seen to be particularly complex at initial analysis. However, the Bureau of Prisons has found it difficult to develop a

system with which they are satisfied to file documents segregated according to disclosability.

Disclosure of pre-sentence reports caused some serious tensions. All pre-sentence reports in the files when the disclosure requirement went into effect had been prepared earlier with no expectation that they would be revealed to the subject of the report. There was considerable reluctance and some outright refusal to cooperate when early efforts were made to obtain disclosure of presentence reports or the summary required when disclosure was denied. This difficulty has been largely, but not wholly, surmounted by missionary work and "jawboning".

There is perhaps a related problem developing. Our information is meager and based on observation. The hypothesis is very tentative. I mention it at this early stage only because the impact is so significant. The flow of a form provided by the judges appears to be drying up. This form (designated AO 235) is the means for a sentencing judge to inform the Parole Commission of his views on subsequent parole and to provide decision factors relevant to parole as he perceives them at the time of sentencing.

We never have been satisfied by the proportion of sentencing judges who communicated their thoughts to us about sentencing by means of this form, but we had hoped to see the proportion increase rather than decrease. The decision factors so provided can be most significant. The judge's reluctance to communicate his thoughts to the man sentenced which the disclosure mechanism now requires may be the cause of this report drying up. We will watch this area carefully.

It has proven unexpectedly difficult to meet the 90 day period for institutional revocation hearings. Compliance has required taxing effort by the Marshal's service. By accident of the time of retaking, a violator may arrive at an institution just after hearing examiners of the Commission have completed bi-monthly hearings at that institution. Sixty days more or less will thus be automatically used of the ninety days allowed. When this happens completing the U.S. Marshal's actions within the remaining thirty days is most difficult. No ready solution has been found for this troublesome time problem.

These are merely illustrative highlights of the action to effect the changes in parole operations that were mandated. We do not have and have not had significant difficulty in implementing these operational changes in parole decision making. We are satisfied that our operations fully comply with the intent of the legislation.

B. Budget Preparation

Prior to passage of the Parole Commission and Reorganization Act the Board of Parole had to obtain approval of its appropriation requests from the Department of Justice. This process began with preliminary estimates in the spring of the year, and culminated in appearances before Congress, with intermediate reviews by the Office of Management and Budget. Under the new Act it was agreed that the Department would continue to render administrative support to the Commission, but that the Commission would prepare and approve its own budget items. In working

up the fiscal year 1977 request the Office of Management and Budget reduced the Commission's request for position spaces.

Immediately thereafter the Commission, using the procedures set forth in the new Act prepared and approved its own fiscal year 1978 budget request. Despite this there has not yet been worked out a procedure setting forth just what role the Department of Justice is to play in the presentation of the Commission's budget request to show clearly that it was independently prepared and approved, without amendment by the Department. At this point it is still not clear just how the Commission is to relate to the Department of Justice and to the Office of Management and Budget.

It is hoped and assumed that after further negotiations with officials of the Department and the Office of Management and Budget who represent the new administration these conflicts will be resolved.

C. Legal Issues

On November 15, 1976, the Supreme Court held, Moody v. Daggett, 50 L.Ed 2d 236, 97 S.Ct. 274, that there is no due process right to have a parole revocation hearing during service of a new sentence incurred while on parole. The Circuit Courts of Appeals had been divided 6 to 3, with the majority favoring the Commission's position. While this decision concerned the case of a parolee reconvicted on a new Federal charge, and was not specifically concerned with a Federal parolee serving a new state

sentence, the Court cited with approval the Act's 4214(b)(2) procedures; and it seems clear that the Act's provisions would be considered fully constitutional should the Court find it necessary to reach the question in the case of a new State conviction. On the basis of Moody the Supreme Court vacated and remanded the Second Circuit decision in Shepard v. U.S. Board of Parole 541 Fed. 322 which had found that the procedures of Section 4214(b) did not provide sufficient procedural protections for convicted parolees against whom the Commission held outstanding warrants.

The Act provides that where a new conviction has been sustained by a parolee, such conviction in itself establishes probable cause to find a violation of parole. To this end, the Commission has ceased to conduct preliminary interviews to find probable cause where the parolee has sustained a new criminal conviction. However, in certain cases where the new convictions were for very minor offenses the Commission has elected to conduct preliminary interviews or local revocation hearings to satisfy itself of the need to pursue the revocation process before return of the offender to the penitentiary.

The question arose whether the statute's provision for counsel for indigents at revocation hearings (as well as at hearings on termination of supervision, and reviews on detainer) is mandatory, unless waived, rather than subject to the Criminal Justice Act provision that the interests of justice must be found to require appointment of counsel. The District of Kansas has

held such appointment was not mandatory, in cases of new felony convictions, citing the Supreme Court opinion in Gagnon v. Scarpelli, 411 U.S. 778. However, the Commission has concurred in the opinion of the Administrative Office of the U. S. Courts that the Act should be interpreted as providing mandatory appointments of counsel.

We have had some cases seeking retroactive application of the Act's provision for credit for street time to revoked parolees, (except in cases of new convictions, or refusals to respond to a Commission order.) The Courts have sustained the Act's clear provision for non-retroactive application as enunciated in our Rule 28 C.F.R. §2.57 affirming validity of all Orders issued prior to the effective date of the Act, May 14, 1976.

In parole decision making, the Courts have continued to support use of the Guidelines as a basis of reasoning. On this essential feature of the reorganization, the Court decisions have endorsed decisions outside the guidelines for appropriate reasons, and supported the principle of the Act's broad grant of discretion to the Commission. Billiteri v. U.S. Board of Parole, 541 F.2d 938 (2d Cir. 1976); Zannino v. Arnold, 531 F.2d 687 (3d Cir. 1976).

WORKLOAD/DECISION TRENDS AND USE OF DECISION GUIDELINES

Appendix I of this presentation is a draft report concerning the most recent analysis of Commission decision and workload trends for the period October 1974 through September 1976. The following highlights are illustrative:

A. During the period 10/75-9/76 the Commission and staff of hearing examiners conducted 24,726 parole, reparole and revocation considerations. In addition, there were 4,092 regional level appellate considerations and 2,072 national appellate considerations. Of these 11,556 were initial parole consideration hearings and 1,816 were parole or mandatory release violation revocation hearings.

B. Approximately 82% of decisions at initial parole considerations were within the decision guidelines; approximately 11.3% of decisions were above the guidelines; 6.8% of decisions were below the guidelines.

C. During the past year, approximately 43% of adult cases released were by parole. This is lower than the previous year which had a 58.8% rate. However, this is due primarily to large numbers of Harrison Act cases made eligible for parole retroactively by the Congress during the end of 1974. Also, this reflects the fact that a more serious type of prisoner is being received in the Federal system, as I am sure the Bureau of Prisons has pointed out.

D. Release outcome follow-up provided through the cooperation of the Federal Bureau of Investigation (Table XII) indicates that of cases released in 1970, 1971, and 1972 by all forms of release (parole/mandatory release/expiration of sentence), approximately 73-77 percent avoided difficulty during a two year follow-up period for each case. As other studies have documented, adult releasees performed better than youth releasees, and parolees performed significantly better than mandatory release or expiration cases.

RESEARCH

Appendix II of this presentation lists the various research reports prepared by Commission research staff since 1974. Many have been published in professional journals.

A. Current research projects include the following:

(1) An experimental program in the Western region to inform the prisoner early in his term of the date upon which he may expect to be released, provided he maintains good institutional conduct. This project is comparable with the Butner effort to both reduce the uncertainty engendered by indeterminancy and to test the effects of voluntary programming. Complete indeterminancy in sentencing has sometimes been criticized for the psychological unrest it appears to cause among inmates. Others contend, however, that without such indeterminancy there will be little incentive to participate in rehabilitative programming. Still others contend that rehabilitative programming can only be effective if voluntary and not coerced. The results of this effort, combined with the results of the Bureau's separate Butner project should provide valuable information as to the consequences of these alternative methods of making parole determinations.

(2) A second project underway is designed to analyze the relationship of time elapsed without incident after release to the probability of future criminal conduct. The results of this investigation should provide empirical guidance to the Commission as to the optimum time to discharge a parolee from supervision and thus provide an aid to determinations made pursuant

to the new early termination provisions of the Parole Commission and Reorganization Act (18 U.S.C. 4211).

(3) A research project has just been completed which resulted in the Parole Commission modifying its salient factor score to produce an equally valid but more reliable device. Incidentally, this device removes two social status items (education and living arrangements), which although clearly predictive had been subject to criticism for appearing to be unfair. Elimination does not reduce the predictability of the revised device.

(4) Several other research projects are in various states of preparation, including a reliability study to identify areas of the guidelines or salient factor score which need additional clarification or training to produce more consistent scoring; and up-to-date evaluation of the use and effectiveness of representatives at parole hearings. Given our budgetary limitations, our research staff is very small (Dr. Hoffman and two assistants) and thus, our ability to pursue more than a small number of projects at any one time is quite limited.

B. Liaison with State Parole Systems and Related Activities

During the past 18 months the Research unit has provided assistance requested by the Minnesota, Rhode Island, Oregon and New York Parole authorities in the development of criteria and guidelines for decision-making and has worked in a consultant relationship with two LEAA projects (Classification For Parole Decision Policy and Feasibility of Sentencing Guidelines). Both

projects are codirected by Don Gottfredson, Dean of the School of Criminal Justice of Rutgers and Leslie T. Wilkins, a professor at the State University of New York at Albany. At this point in time, Minnesota and Oregon Parole authorities are using a guideline system similar to that of the federal Commission, and The New York and Washington State Parole Boards are working towards development of a guideline system. North Carolina, Virginia, Louisiana and Missouri parole authorities are also making active efforts in this direction.

The research unit also provides an active part of the Commission's training capacity. Research staff have conducted seminars for federal judges, law clerks, and Parole Commission staff in Commission policies and procedures. Research staff have also presented lectures and papers at various professional conferences and have addressed university classes on related topics.

RELATIONSHIP OF PAROLE GUIDELINES TO FEDERAL SENTENCING PROCEDURES AND PRACTICES

As you are well aware the parole grant process is closely tied to the sentencing process; and as the Committee Report of the Parole Commission and Reorganization Act points out, the use of guidelines by the Parole Commission has the practical effect of balancing out the disparity in sentencing in a system as large and diverse as the federal. We have also observed that a large percentage of the judiciary has become aware of the Commission's guidelines, and uses them in sentencing, for computing the amount

of time the defendant might be expected to serve. It is very clear that an understanding and acceptance of the guideline system continues to grow.

We are aware of several proposals for adopting a guideline type model to sentencing. Certain of these have combined this with a proposal to eliminate the parole function. While we believe the articulation of specific sentencing criteria - particularly for the decision as to whether or not to incarcerate - would be quite useful, we feel that there are good reasons for retaining the actual determination of the length of prison term with a parole agency.

APPENDIX I

WORKLOAD AND DECISION TRENDS

STATISTICAL HIGHLIGHTS

10/74-9/76

Barbara Meierhoefer

Research Assistant

DRAFT

United States Parole Commission Research Unit

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The following tables are designed to display statistical highlights of Commission workload and decision trends during the two year period 10/74-9/76. This data is obtained from the R-1, R-9, and R-13 code sheets submitted by each regional office and R-1, R-7, and R-10 code sheets completed by central office staff.

TABLE I HEARING EXAMINER WORKLOAD [1]

(HEARINGS/RECORD REVIEWS)

A. INITIAL HEARINGS

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	2,685	2,857	2,292	1,809	2,413	12,056
10/75-9/76	2,369	2,556	2,309	1,697	2,625	11,556

By Six Month Period

10/75-3/75	1,358	1,420	1,130	880	1,204	5,992
4/75-9/75	1,327	1,437	1,162	929	1,209	6,064
10/75-3/76	1,211	1,273	1,210	906	1,362	5,962
4/76-9/76	1,158	1,283	1,099	791	1,263	5,594

B. ONE-THIRD HEARINGS [2]

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	320	403	395	191	290	1,599
10/75-9/76	336	398	448	219	372	1,773

By Six Month Period

	NE	NC	W	SC	SE	TOTAL
10/74-3/75	146	227	99	109	80	661
4/75-9/75	174	176	296	82	210	938
10/75-3/76	177	205	236	109	206	933
4/76-9/76	159	193	212	110	166	840

C. PRE-HEARING RECORD REVIEWS[3/]

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	1,330	1,419	1,262	1,127	1,435	6,573
10/75-9/76	1,086	1,134	1,011	781	1,295	5,307

By Six Month Period

10/74-3/75	685	794	662	617	707	3,465
4/75-9/75	645	625	600	510	728	3,108
10/75-3/76	533	566	582	421	688	2,790
4/76-9/76	553	568	429	360	607	2,517

D. REVIEW HEARINGS

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	565	1,129	620	594	549	3,457
10/75-9/76	513	971	553	537	699	3,273

By Six Month Period

	NE	NC	W	SC	SE	TOTAL
10/74-3/75	404	603	299	325	314	1,945
4/75-9/75	161	526	321	269	235	1,512
10/75-3/76	215	487	314	280	337	1,633
4/76-9/76	298	484	239	257	362	1,640

E. RECISSION HEARINGS

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	120	112	116	109	59	516
10/75-9/76	131	112	127	123	103	596

By Six Month Period

10/74-3/75	53	48	42	45	22	210
4/75-9/75	67	64	74	64	37	306
10/75-3/76	63	71	55	69	48	306
4/76-9/76	68	41	72	54	55	290

F. LOCAL REVOCATION HEARINGS

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	35	34	41	10	14	134
10/75-9/76	81	44	72	36	23	256

By Six Month Period

	NE	NC	W	SC	SE	TOTAL
10/74-3/75	10	13	12	2	9	46
4/75-9/75	25	21	29	8	5	88
10/75-3/76	51	21	41	11	12	136
4/76-9/76	30	23	31	25	11	120

G. INSTITUTIONAL REVOCATION HEARINGS

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	214	328	259	191	209	1,201
10/75-9/76	262	353	399	263	283	1,560

By Six Month Period

10/74-3/75	99	151	119	101	86	556
4/75-9/75	115	177	140	90	123	645
10/75-3/76	142	173	171	122	124	732
4/76-9/76	120	180	228	141	159	828

H. OTHER HEARINGS [4/]

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	135	202	37	82	46	502
10/75-9/76	98	162	37	53	55	405

By Six Month Period

	NE	NC	W	SC	SE	TOTAL
10/74-3/75	70	81	21	53	30	255
4/75-9/75	65	121	16	29	16	247
10/75-3/76	49	53	6	22	29	159
4/76-9/76	49	109	31	31	26	246

I. TOTAL DECISIONS

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	5,404	6,484	5,022	4,113	5,015	26,038
10/75-9/76	4,876	5,730	4,956	3,709	5,455	24,726

By Six Month Period

10/74-3/75	2,825	3,337	2,384	2,132	2,452	13,130
4/75-9/75	2,579	3,147	2,638	1,981	2,563	12,908
10/75-3/76	2,441	2,849	2,615	1,940	2,806	12,651
4/76-9/76	2,435	2,881	2,341	1,769	2,649	12,075

NOTES TO TABLE I

1. NE = Northeast Region
   NC = North Central Region
   W = Western Region
   SC = South Central Region
   SE = Southeast Region

2. Prior to 8/75, these were designated interim reviews and were conducted on the record, except where a hearing had been court ordered. In 8/75, the Board decided as a matter of policy to provide hearings in these cases.

3. Pre-hearing Reviews are not conducted for cases whose continuance was limited by policy. Original Jurisdiction cases are also excluded.

4. Includes reopened cases, mandatory parole hearings (conducted 5/76 and thereafter), and dispositional revocation hearings (conducted 5/76 and thereafter); does not include dispositional hearings in the North Central or South Central Region conducted under court order prior to 5/76.

TABLE II: PAROLE GRANTS AND WARRANTS

A. PERCENT GRANTED PAROLE/REPAROLE - ADULT SENTENCES
FINAL DECISIONS ONLY [1/]

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	63.0	57.3	50.6	55.6	66.4	58.8
10/75-9/76	45.3	41.8	31.3	41.5	55.3	43.3

By Six Month Period

10/74-3/75	64.2	62.9	58.2	61.7	66.2	62.8
4/75-9/75	61.6	51.7	42.7	49.3	66.5	54.7
10/75-3/76	44.9	41.4	30.3	42.0	55.0	42.8
4/76-9/76	45.6	42.3	32.4	40.9	55.6	43.8

B. NUMBER OF PAROLE/REPAROLE GRANTS [ADULT SENTENCES ONLY]

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	1,454	1,680	988	928	1,430	6,480
10/75-9/76	910	1,066	611	654	1,188	4,429

By Six Month Period

10/74-3/75	767	931	577	524	701	3,500
4/75-9/75	687	749	411	404	729	2,980
10/75-3/76	471	550	313	345	597	2,276
4/76 -9/76	439	516	298	309	591	2,153

C. NUMBER OF PAROLE/REPAROLE GRANTS [ALL SENTENCE TYPES]

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	2,115	1,950	1,542	1,361	1,918	8,886
10/75-9/76	1,391	1,264	1,096	948	1,705	6,404

By Six Month Period

10/74-3/75	1,097	1,067	881	768	934	4,747
4/75 -9/75	1,018	883	661	593	984	4,139
10/75-3/76	697	629	579	505	858	3,268
4/76 -9/76	694	635	517	443	847	3,136

D. WARRANTS ISSUED [ALL SENTENCE TYPES] PAROLE AND MANDATORY RELEASE CASES 2/

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	626	599	613	385	424	2,647
10/75-9/76	654	630	681	509	531	3,005

By Six Month Period

10/74-3/75	287	271	290	173	190	1,211
4/75-9/75	339	328	323	212	234	1,436
10/75-3/76	323	338	334	267	292	1,554
4/76-9/76	331	292	347	242	239	1,451

NOTES TO TABLE II

1. While percentage granted parole has served as a traditional indicator of paroling policy, it has some serious limitations as a measure. First, it does not consider that types of offenders entering the system may be changing. The rate of parole grants for auto thieves (whose number entering in the federal system appears to be declining) may not be the same as for narcotic dealers (whose number appears to be rising). Second, the measure is dependent upon sentencing practices. Everything else equal, the longer the sentence the higher the likelihood of parole at some point. Conversely, if sentence length goes down substantially, the parole rate (everything else equal) may be expected to go down. Thus, what appears to be a substantial change in Commission policy in rate of parole grants may or may not be an actual change. For example, in late 1974, a substantial number of Harrison Act cases (n=approximately 700) became immediately eligible for parole through a legislative change. Most, if not all, had served periods in prison substantially in excess of present periods of confinement for such offenses and the rate of parole was extremely high. Consequently, it appears that the high parole rate figure for the period 10/74-3/75 of 62.8 percent is due primarily to the addition of these cases.

2. The proportion of warrants issued to parole grants, and the proportion of warrants to persons under supervision have both been used as a measure of recidivism rate. As with the rate of parole grants, this measure has severe limitations as it assumes there have been no changes over time in parole or sentencing practices. For example, the early termination provisions of the Parole Commission Act would tend to substantially reduce the number of persons under supervision and, thus, artificially inflate the recidivism rate. A better measure is a fixed length followup period [e.g. 2 or 3 years for selected groups of releasees (e.g. paroless or mandatory releasees)]. Through the cooperation of the Bureau of Prisons research section and the Federal Bureau of Investigation, a computerized system to provide this information has been designed but is not yet ready for operation. However, please see Table XII for results of preliminary follow-up studies which the Commission has conducted.

TABLE III GUIDELINE USAGE

A. PERCENT DECISIONS WITHIN GUIDELINES [Parole Guidelines 28 C.F.R. 2.20] 1/

1. All Regions

By Year

	Within	Above	Below
10/74-9/75	84.4	6.9	8.7
10/75-9/76	81.8	11.3	6.8

By Six Month Period

	Within	Above	Below
10/74-3/75	84.8	6.8	8.4
4/75-9/75	84.0	7.0	9.0
10/75-3/76	82.8	10.6	6.6
4/76-9/76	80.8	12.2	7.0

2. NE Region

By Year

	Within	Above	Below
10/74-9/75	83.6	3.0	13.4
10/75-9/76	86.3	6.0	7.7

By Six Month Period

	Within	Above	Below
10/74-3/75	83.6	3.4	13.0
4/75-9/75	83.6	2.7	13.7
10/75-3/76	87.7	5.0	7.3
4/76-9/76	84.9	7.0	8.1

3. NC Region

By Year

	Within	Above	Below
10/74-9/75	81.2	10.8	8.0
10/75-9/76	78.2	15.0	6.8

By Six Month Period

	Within	Above	Below
10/74-3/75	79.7	11.9	8.4
4/75-9/75	82.7	9.8	7.6
10/75-3/76	78.7	14.4	6.9
4/76-9/76	77.6	15.7	6.7

4. W Region

By Year

	Within	Above	Below
10/74-9/76	86.5	7.4	6.1
10/75-9/76	79.9	15.9	4.2

By Six Month Period

	Within	Above	Below
10/74-3/75	86.8	6.1	7.1
4/75-9/75	86.2	8.6	5.2
10/75-3/76	81.1	15.5	3.4
4/76-9/76	78.5	16.5	5.0

5. SC Region

By Year

	Within	Above	Below
10/74-9/75	84.9	9.6	5.5
10/75-9/76	77.5	16.7	5.8

By Six Month Period

	Within	Above	Below
10/74-3/75	85.7	8.7	5.6
4/75-9/75	84.2	10.3	5.5
10/75-3/76	79.6	15.0	5.4
4/76-9/76	75.0	18.7	6.3

6. SE Region

By Year

	Within	Above	Below
10/74-9/75	86.7	4.1	9.2
10/75-9/76	85.7	5.4	8.9

By Six Month Period

	Within	Above	Below
10/74-3/75	89.6	3.7	6.7
4/75-9/75	83.8	4.5	11.7
10/75-3/76	85.7	5.0	9.3
4/76-9/76	85.7	5.9	8.5

B. PERCENT DECISIONS WITHIN GUIDELINES

[Revocation Guidelines 28 C.F.R. 2.21]

5/76 - 9/76 2/

	NE	NC	W	SC	SE	TOTAL
Within	81.6	79.3	77.0	83.8	74.3	78.9
Above	8.1	9.0	11.2	11.9	12.4	10.7
Below	10.3	11.7	11.8	4.3	13.3	10.4

NOTES TO TABLE III

1. Includes decisions at initial hearing, decisions at one-third hearings (since 8/75) and decisions at long term review hearings [where previous continuance was limited by policy (since 5/76)]. For purposes of this analysis, only discretionary decisions outside the guidelines were included. For example, decisions to continue to expiration where the mandatory release date is below the bottom of the applicable guideline range are counted as within the guidelines; similarly a grant of parole at an initial hearing where the parole eligibility date is above the top of the applicable guideline range is counted as within the guidelines. Decisions to continue for one-third hearings below the guidelines (since 8/75) have been excluded from consideration; decisions to continue for statutory review hearings below the guidelines (since 5/76) have also been excluded from consideration. The exclusion of the statutory continuances may bias the guideline usage statistics slightly. For example, an inmate with an B-2 three year sentence (with a guideline range of 36-48 months) cannot be given a decision within or above the guidelines at an initial hearing. He can either have a decision below the guidelines or be continued for a statutory review hearing. This bias should be substantially corrected with figures beginning 12/77 when statutory hearings will become effective and be included in the analysis.

2. Revocation guidelines became effective 5/76. Data is presented from that date to the present.

TABLE IV. REGULAR REVIEW HEARINGS (PERCENT GRANTED PAROLE)

	NE	NC	W	SC	SE	Total
By Year						
10/74-9/75	90.8	69.4	82.7	73.9	83.0	80.0
10/75-9/76	79.7	54.9	74.0	66.8	78.0	71.0
By Six Month Period						
10/74-3/75	90.9	70.3	85.9	74.1	80.9	80.2
4/75-9/75	90.5	68.3	79.2	73.7	85.0	79.8
10/75-3/76	79.7	52.7	73.4	67.0	76.7	70.3
4/76-9/76	79.7	57.2	74.8	66.7	79.4	71.9

TABLE V REPRESENTATIVES

A. PERCENTAGE OF PAROLE CONSIDERATION HEARINGS WITH REPRESENTATIVES

By Year

	NE	NC	W	SC	SE	Total
10/74-9/75	33.7	34.8	26.5	18.3	23.8	28.5
10/75-9/76	35.2	38.8	28.5	22.0	27.5	31.1

By Six Month Period

10/74-3/75	28.8	33.0	24.4	17.0	21.8	26.0
4/75-9/75	39.4	36.5	28.4	19.6	25.8	30.9
10/75-3/76	34.5	37.9	28.7	20.8	26.8	30.3
4/76-9/76	35.9	39.7	28.4	23.4	28.2	31.9

B. PERCENTAGE OF REVOCATION HEARINGS WITH ATTORNEY OR REPRESENTATIVE

By Year

	NE	NC	W	SC	SE	Total
10/74-9/75	47.0	38.4	52.0	23.9	34.5	40.1
10/75-9/76	49.9	36.2	50.0	31.2	36.3	41.6

By Six Month Period

10/74-3/75	41.3	33.5	48.8	19.4	42.1	37.2
4/75-9/75	51.4	42.4	54.4	28.6	28.9	42.7
10/75-3/76	44.6	36.1	50.5	26.5	37.5	40.3
4/76-9/76	56.7	36.3	49.6	34.9	35.3	42.8

C. TYPE OF REPRESENTATION [10/75-9/76]

1. Parole Consideration Hearings (Percentage of Hearings With Representatives)

	NE	NC	W	SC	SE	Total
None	64.8	61.2	71.5	78.0	72.5	68.9
Inst. Staff	19.0	25.2	14.7	10.3	14.9	17.4
Relative	8.1	7.8	7.0	8.0	7.9	7.8
Attorney	4.7	2.9	2.0	1.8	2.4	2.8
Other Rep.	3.3	3.0	4.8	1.9	2.3	3.1

2. Revocation Hearings (Percentage of Hearings With Representatives)

None	50.1	63.8	50.0	68.8	63.7	58.4
Inst. Staff	0.9	4.8	0.2	1.7	2.0	1.9
Relative	1.5	0.3	1.7	3.4	1.0	1.5
Attorney	45.5	28.1	46.4	24.2	31.1	36.0
Other Rep.	2.0	3.1	1.7	2.0	2.3	2.2

TABLE VI SPLIT DECISIONS (HEARING PANELS)

By Year

Percent Cases With Agreement Between Panel Members

10/74-9/75	98.2
10/75-9/76	96.4

TABLE VII ORIGINAL JURISDICTION CASES

By Year

	Original Jurisdiction Cases	Original Jurisdiction Appeals
10/74-9/75	174	49
10/75-9/76	249	82

TABLE VIII CASES REOPENED BY REGIONAL COMMISSIONER (28C.F.R. 2.26) 10/75-9/76 [1]

	NE [2]	NC	W	SC	SE	Total
Decision Reversed	-	8	3	0	6	17
Decision Modified>6 mos.	-	9	4	4	7	24
Decision Modified≤6 mos.	-	22	6	5	19	52
Total [3]	-	39	13	9	32	93

NOTES TO TABLE VIII

1. The Commission began separate collection of reopen data May, 1975. As statistics are not available for the complete year 10/74-9/75, only figures for 10/75-9/76 are reported here.

2. Data from the Northeast region is not available at this time due to an error in the region concerning coding responsibility. The data will be provided separately when available.

3. The data system contains information on only those cases in which the original decision was shortened. Data is not kept for those cases in which an inmate requested a longer continuance or an expiration decision. Further, the data includes only continued cases which are reopened. Cases for which parole dates are modified are not included.

TABLE IX MODIFICATIONS AND RECONSIDERATIONS

A. RECONSIDERATION CASES (28 C.F.R. 2.24a)

Number (Percent Agreement Between Regional and National Commissioners)

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	32(78.1)	93(88.2)	135(91.8)	27(92.6)	13(100.0)	300(89.7)
10/75-9/76	76(96.1)	129(89.9)	93(87.1)	44(95.1)	90(92.2)	432(91.4)

B. PANEL DECISIONS MODIFIED BY REGIONAL COMMISSIONER (28 C.F.R. 2.24b)

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	76	31	79	54	39	279
10/75-9/76	26	18	60	63	89	256

TABLE X REGIONAL APPELLATE DISPOSITIONS

Percent Affirmed (Number Processed)

By Year

	NE	NC	W	SC	SE	TOTAL
10/74-9/75	82.9(1025)	88.8(868)	78.2(536)	88.8(498)	98.0(498)	86.7(3,4
10/75-9/76	96.8(998)	97.8(1089)	90.6(777)	91.3(515)	98.0(713)	95.4(4,0

By Six Month Period

	NE	NC	W	SC	SE	TOTAL
10/74-3/75	76.6(495)	83.7(386)	77.3(185)	87.6(241)	97.6(213)	83.1(1,5
4/75-9/75	88.9(530)	92.9(482)	78.6(351)	89.9(257)	98.6(285)	89.6(1,9
10/75-3/76	96.6(510)	97.2(540)	90.9(386)	87.7(244)	97.1(346)	94.6(2,0
4/76-9/76	97.0(497)	98.4(549)	90.3(391)	94.5(271)	98.9(367)	96.1(2,0

TABLE X1 NATIONAL AFFILIATE DISPOSITIONS

Percent Affirmed (Number Processed)

By Year

	NE	NC	W	SC	SE	TOTAL
0/74-9/75	95.1(450)	96.2(391)	93.1(274)	90.7(194)	94.9(178)	94.5(1,3
0/75-9/76	93.5(510)	93.4(671)	91.6(334)	90.4(249)	93.8(308)	92.8(2,07

By Six Month Period

	NE	NC	W	SC	SE	TOTAL
0/74-3/75	95.3(192)	97.6(85)	93.3(45)	89.2(83)	90.9(66)	93.8(47
/75 -9/75	95.0(258)	95.8(306)	93.0(129)	91.9(111)	97.3(112)	94.9(91
0/75-3/76	93.7(268)	92.9(297)	86.7(135)	91.7(133)	94.2(121)	92.2(95
/76 -9/76	93.4(242)	93.9(374)	95.0(199)	88.8(116)	93.6(187)	93.4(1,11

TABLE XII RELEASE FOLLOW-UP DATA

The following data were obtained from random samples of cases released for the first time on their sentences during the year indicated.1/This information is presented by salient factor score. The follow-up period was two years from date of release for each individual. Favorable outcome is here defined as : 1) No new commitment of sixty days or more; 2) No absconder warrant outstanding; 3) No return to prison for parole/mandatory release violation; and 4) No death during commission of a criminal act.

A. ADULT RELEASEES (PAROLE, MANDATORY RELEASE, AND EXPIRATION CASES)

Percent Favorable Outcome (Number of Cases)

	Salient Factor Score				
	0-3	4-5	6-8	9-11	TOTAL
1970	54.9(375)	68.7(485)	80.2(526)	93.3(285)	73.4(1,671)
1971	60.1(168)	70.0(223)	84.1(233)	96.5(142)	77.0(766)
1972	57.1(175)	71.0(210)	89.2(203)	97.6(126)	77.5(714)

B. YOUTH RELEASEES (PAROLE, MANDATORY RELEASE, AND EXPIRATION CASES)

Percent Favorable Outcome (Number of Cases)

	Salient Factor Score				
	0-3	4-5	6-8	9-11	TOTAL
1970	37.5(64)	56.6(113)	75.2(137)	84.5(58)	64.5(372)
1971	40.5(37)	45.1(51)	70.8(89)	94.4(36)	63.4(213)
1972	50.0(18)	58.7(46)	72.5(69)	90.0(30)	69.3(163)

In addition, this follow-up information is available by type of release for the 1970 and 1972 follow-up samples.

C. PAROLEES (ADULT)

Percent Favorable Outcome (Number of Cases)

Salient Factor Score

	0-3	4-5	6-8	9-11	TOTAL
1970	63.0(54)	64.5(138)	79.5(283)	94.5(217)	79.9(692)
1972	65.1(43)	74.7(79)	91.8(122)	97.8(93)	86.1(337)

D. PAROLEES (YOUTH) 2/

Percent Favorable Outcome (Number of Cases)

Salient Factor Score

	0-3	4-5	6-8	9-11	TOTAL
1970	38.6(57)	54.9(91)	74.8(135)	84.5(58)	65.1(341)
1972	42.9(14)	60.0(40)	73.4(64)	89.7(29)	70.1(147)

E. MANDATORY RELEASE AND EXPIRATION CASES (ADULT)

Percent Favorable Outcome (Number of Cases)

Salient Factor Score

	0-3	4-5	6-8	9-11	TOTAL
1970	53.6(321)	70.3(347)	81.1(243)	89.7(68)	68.8(979)
1972	54.5(132)	68.7(131)	85.2(81)	97.0(33)	69.8(377)

NOTES TO TABLE XII

1. Samples were drawn by including all cases with sentences in excess of one year and one day whose register number ended in selected digits. As register numbers are assigned sequentially, this method is assumed to reasonably represent random selection.

   The 1970 sample consists of a 50% sample of those released in the first half of the year and a 20% sample of persons released during the second six months.

   The 1971 sample consists of a 30% sample of those released in the last six months of the year.

   The 1972 sample consists of a 30% sample of those released in the first six months of the year.

2. Youth cases include YCA and FJDA releasees. The vast majority of youth cases are released by parole due to the structure of the YCA sentence. Thus, results are presented for parolees only as the number for other types of releasees are too small to be meaningful.

APPENDIX II

U. S. PAROLE COMMISSION

RESEARCH REPORTS

. . . Administrative Review of Parole Selection and Revocation Decisions, Report 1 (published in Federal Probation, June 1974);

. . . Parole Decision-Making: A Salient Factor Score, Report 2 (published in Journal of Criminal Justice, fall 1974);

. . . The Effect of Representation at Parole Hearings: A Research Note, Report 3 (published in Criminology, May 1975);

. . . Parole Decision-Making Coding Manual, Report 4; (October 1974);

. . . Parole Decision-Making: Structuring Discretion, Report 5 (published in Federal Probation, December 1974);

. . . Time Served and Release Performance: A Research Note, Report 6 (published in Journal of Research in Crime and Delinquency, July 1976);

. . . An Argument For Self-Imposed Explicit Judicial Sentencing Standards, Report 7 (published in Journal of Criminal Justice, summer 1975);

. . . Research Note: Salient Factor Score Validation - A 1972 Release Cohort, Report 8 (published in Journal of Criminal Justice, summer 1976);

. . . Salient Factor Scoring Manual, Report 9, August 1975;

. . . Federal Parole Guidelines: Three Years of Experience, Report 10, December 1975;

. . . The First Full Year of Regionalization: A Statistical Summary, Report 11, January 1976;

. . . Research Note: Are Parole Applicants Getting 'Tougher'? - A Method for Assessing Prisoner Characteristics, July 1976.

Mr. KASTENMEIER. Thank you, Chairman Crawford. It was the subcommittee's intention to create as independent an entity as we could.

We did that for a number of reasons. We thought the Commission ought to be independent from the Attorney General, in terms of policy-making, because we felt that its own internal policies with respect to parole judgments ought to be their own and not subject to the Attorney General, whoever that might be, and we have had many of them in the past 10 years.

Second, we thought for purposes of credibility and stature, that the Commission ought to be as independent as we could make it, and yet, it ought to be housed or connected with some other institution, such as the Department of Justice.

Therefore, to the extent there is still confusion as to roles in the budget preparation process, I would tend to side with the Commission rather than relying solely on the Justice Department, even though it does have certain administrative burdens that the Commission imposes upon it.

Of course we are interested in how the new act works and none of us, I think, deceived ourselves into believing it wouldn't have some difficulty, have some growing pains. We did impose, even as the Board itself was developing, a series of new procedures and safeguards principally for prisoners and parolees, which of necessity imposed greater burdens on the system, and on the Commission.

In fact, of course, legal issues, I suppose, had been raised many times in recent years as inmates tested their procedural rights, and certainly under the new act they would also want to test what the new act meant in certain particulars.

On the two questions, first on difficulties in accommodating to the act, and second, on legal issues raised by virtue of the new act, could you illucidate a little more fully what you have been going through?

Mr. CRAWFORD. Well, some of the difficulties, oddly enough, certainly in the decisionmaking aspect of it, were not nearly as cumbersome perhaps as many may have thought it would be, simply because of the experience that we had prior to the enactment of the act with pilot project.

Many of the kinks had been worked out. Of course there were those things that were developed by virtue of the act that we were perhaps not acquainted with, nor did we realize at the time of the act.

Certainly the number of hearings that were involved by virtue of the act, that created additional hearings, the two-thirds rule as such. The termination or discharge from supervision after 5 years, the right to be heard or to be discharged after 2 years under supervision, all of these created additional hardships perhaps on the part of the Board.

It created hardships on the part of the probation system, because they had to search out and find these persons, locate them, and establish some formal type of procedure to be followed.

The granting of the reduction in the amount of time, I think at one time we had a 15-year service on a life sentence. That was reduced as you recall to a 10-year term. This required some effort on the part of the prison system and the cooperation of the Board in providing hearings for those persons who had thusly served 10 or more years,

but less than 15, which was a substantial number when we went around the country. That was one of the problems.

In the legal end, certainly there were many questions as there are with the enactment of any new law; there is always going to be a challenge made of a new law. Certainly that challenge was made in conjunction with the Parole Board. The guidelines have been challenged throughout the country. Not so much the qeustion of notice, this hasn't been a big problem as such, because we have always provided timely notice of hearings.

The revocation process, which involved the attorneys, whether or not attorneys would be permissible and whether or not the Parole Board would be responsible perhaps for payment of those attorneys, those questions have been raised in several instances.

There have been other legal issues, and I am certain Mr. Barry here, if it is the interest of this committee, he can provide you with many examples.

Those are just some of the highlights and I am certain there are others cited here in our report.

Mr. KASTENMEIER. Let me ask you a slightly different question.

Either speaking for the Commission as a whole, or for yourself, what specifically would you change, or recommend for change, as you now see it, not merely where the burdens are, because obviously burdens are imposed, but sometimes you have to put up with the burdens, but what really is either unworkable or in one form or another let's say does not make sense in terms of how the system now operates, but was put into the act for one reason or another, and what you personally would change or recommend that we change statutorily in the act?

Mr. CRAWFORD. I don't think statutorily I have any problems with change. And this is individually. I have problems with change perhaps in some of our procedures that we have used to implement the statute, as such.

Now that is perhaps one of my areas, and that is personal.

Mr. KASTENMEIER. Let me ask you another, I won't say a personal question, but an institutional question.

We provided for Commissioners rather than Board members and we set up certain specifics with respect to terms and responsibilities and so forth.

Is that working out satisfactorily in terms of pay level, grade level in the Federal system, and so forth? Are all of these things working out for the Commissioners personally?

Mr. CRAWFORD. There is never a no problem when you start talking about pay. But so far that has been very satisfactory, no problems there.

I think that perhaps there has been some disagreement, perhaps, among the membership of the Commission as to the role of the chairman as it relates to the other members of the Commission.

I think the way the present law is set up, the chairman is in a very strong position, and this creates problems when you are dealing with equals otherwise. I think if there was any change to be made at all, I would think that if the chairman could perhaps be in some manner elevated above the other Commissioners, that is, in pay or something to indicate that there was some distinction between the two.

Mr. KASTENMEIER. Refresh my memory. There is no difference in pay, is that correct?

Mr. CRAWFORD. No.

Mr. KASTENMEIER. Was a chairman to be selected by the President? I have forgotten.

Mr. CRAWFORD. That is correct, the chairman is selected by the President, and of course, all of the members of the Commission are Presidential appointees, too.

Mr. KASTENMEIER. And you have some vacancies. Could you give us a sort of run-down—in your own case, were you nominated by President Ford?

Mr. CRAWFORD. No, I was nominated by President Nixon in 1970. My term has expired, my term expired on September 30, 1976, but under the law a commissioner will serve until such time as he has been reappointed or his successor has been named.

Presently on the Commission there are two vacancies, and two persons serving terms such as myself, and one other member, whose terms have expired and they, of course, are awaiting either reappointment or their successor to be named.

That is the present status of the Commission.

Mr. KASTENMEIER. Also, of course, the Commission is regionalized, and there is a regional commissioner for each region, is that correct?

Mr. CRAWFORD. That is correct. The law was set up to have three commissioners who would remain here in Washington and serve as members of the National Appeals Board. One member in Washington of course would be the chairman. And the five remaining members would be the regional commissioners and supervise the activities of the Parole Commission in the five regions established in the country.

And presently we have five regions long since established and operating. One regional office has no commissioner in it presently. And one commissioner in the Washington office is missing.

Mr. KASTENMEIER. And that is working satisfactorily?

Mr. CRAWFORD. Yes, it is.

Mr. KASTENMEIER. So one of the problems is that the Commissioners appear to be peers of the chairman, and the chairman is not vested with anything distinctive enough to indicate his special authority over the other commissioners?

Mr. CRAWFORD. That is correct.

Mr. KASTENMEIER. One of the questions that was raised in the Bureau of Prisons was the fact the Bureau of Prisons has a larger population presently than it had several years ago, and the trend has been upward in terms of prison population.

This means you have more people for which you have some responsibility in terms of review of cases, applications, and so on.

It has also been, I think, statistically suggested, and I haven't checked your own statistics, that as a matter of fact the number of new paroles granted has diminished, notwithstanding the increase in the prison population, which may have in fact accounted for the fact there are more people in prison, other than there is an increase in commitments, there are also fewer paroles and both combined to increase the prison population.

One, is that true? And, two, what generally contributed to the result that there are fewer paroles being granted at this particular time?

Mr. CRAWFORD. Actually it is not a question, I don't think, of fewer paroles being granted.

There are several factors though that the statistics will bear out, that account, perhaps, for this increase and then all of a sudden a decrease.

If you will recall in the fall of 1974, Congress by congressional action, the Harrison Act, as such, was repealed or amended. I don't recall exactly the details, but the net effect of that was to make many narcotic cases, narcotic prisoners, eligible for parole. If you will recall under the Harrison Act they were not eligible for parole, and there were many persons confined in the several institutions around the country.

Following that act, they suddenly became eligible for parole.

Many of them had been in for a substantial number of years. Of course the Board during that period of time had to get out and conduct hearings on all of the persons that were involved. And that was approximately 700 people.

Since most of them had fallen within our guidelines as such, many of them were paroled. This certainly accounted for the high number of figures in 1974 and the early part of 1975.

I think our statistics show our parole rate during that period was 58 percent. Thereafter, if you will note our statistics, it has fallen down to approximately 42 percent.

Now that was one factor. Factor No. 2, and I think the Bureau of Prisons population, the prison population as such, there has been a substantial change in the personality or the character of the prison population.

Narcotic offenders and robbery have been on the increase. There is a substantial increase in that particular area, and hence there has been perhaps a little tougher attitude, or longer sentences have been involved.

Also there has been a tremendous decrease in the number of automobile theft cases that are now being handled in the Federal courts.

Mr. KASTENMEIER. Yes, that was demonstrated to us statistically by Norm Carlson of the Bureau of Prisons.

I take it those are people likely to receive paroles?

Mr. CRAWFORD. More frequently than the drug offender or the robbers, yes.

Mr. KASTENMEIER. Chairman Crawford, you can understand why we are interested in this question, because, paradoxically, we are being told that, as a result of this act, fewer people are being paroled.

We might have thought that many more people would be paroled for one reason or another. But what we really need to determine for ourselves is whether this act results in any discernible statistical difference in the number of persons being paroled as compared to prior years under the preceding laws.

And I would have thought that if anything there would be—maybe not large—but at least an incremental difference suggesting a slightly greater rate of parole, partly because as you have suggested you have had to go back and take a look at those not eligible until 15 years, you are now looking at the 10- to 15-year class, just as the wave of Harrison Act offenders, that and other factors might have shown an incremental increase in the number of paroles, just because you have a larger pool to look at, but that didn't eventuate apparently.

Does it have any discernible difference, Chairman Crawford?

Mr. CRAWFORD. I think if we look at the particular type of offense, and if the statistics were shown for the lesser type of offenses, in all probability the parole rate has increased.

When you look at the more serious offenders, as I mentioned, the robbery offender and the drug offender, then that rate I would think is still up.

Mr. KASTENMEIER. In other words, if I understand your testimony, the fact is that the other factors, the nature of the offense, and other factors, are more determinative of the number that are ultimately paroled than the new act itself?

Mr. CRAWFORD. I think so. And I would ask my research people if that is true.

They seem to confirm that.

Mr. KASTENMEIER. I think what the act does, it doesn't provide for any additional paroled people, but it does open eligibility for people at both ends somewhat more than the preceding law did.

Mr. CRAWFORD. Well, that is true, the act does that, and I think it certainly, in the postrelease section, has a lot of bearing on it too. I would think that there are a substantial number of cases where the termination takes place and then of course that doesn't have any bearing on the release rate.

You might also indicate that there are a substantial number of cases that fall within the 6-month to 1-year sentence, and in most cases those cases never make parole. That represents a substantial number of cases.

Mr. KASTENMEIER. I may have some more questions later, but I do want to yield to my friend from Massachusetts.

Mr. DRINAN. Thank you very much, Mr. Chairman.

Mr. Crawford, thank you for your testimony.

I can't find this particular fact in all of the material that you have furnished.

What is the percentage of paroles granted at the first hearing?

Mr. CRAWFORD. I don't have a figure on that, and I will ask Barbara; do we have that?

Ms. MEIERHOEFER. We don't have figures on that, but it can be gotten.

Mr. DRINAN. I am sure it is available and I would appreciate it if you could send it to me as quickly as possible, for this reason: As you know, the essence of this bill was to change the presumption, and in the material furnished here or in the committee report, we stated that in section 4206 it says: "Such prisoner shall be released if in fact he has observed the rules of the institution and if the Parole Commission says that the release would not depreciate the seriousness," and so on.

I wonder if there is any possibility of such generalization now as to how that reversal of presumption has been working out?

Mr. CRAWFORD. I would say, Father Drinan, in those cases the percent, if I had to give you a percentage figure, that it would be less than 1 percent that are released at this particular time.

Mr. DRINAN. At the first hearing?

Mr. CRAWFORD. At the first hearing.

Mr. DRINAN. Now do you think that is consistant with the intent of the law?

That was not mine. I went to every hearing and to every markup session, and I thought this would be a minor revolution, at least, and that if an eligible prisoner has substantially observed the rules of the institution to which he has been confined—you know the language.

It was my understanding that this would be a new ball game, and that if the prisoner cooperated with the institution, then the burden would be on the Commission to show that he is not prepared to leave.

Mr. CRAWFORD. Father, perhaps I should qualify my recent statement.

That would be true in the cases involving what we formerly referred to as the A–2 type sentences, now B–2. But the A–2 type, which would be the indeterminate type sentence, where the person receives an initial hearing within 60 to 120 days after he arrives at the penal institution, he would receive then what is known as an initial hearing.

In those cases I would say it would be less than 1 percent.

Now in the cases where there is what we referred to as a regular sentence, where the eligibility had been established by the court, then in those cases the percentage would be substantially higher.

In other words, after serving one-third of the time, under the regular sentence, a person becomes eligible or has what we formerly referred to as an A–1 sentence, a minimum and a maximum, say 1 to 10. In those group of cases, the percentage would be higher.

Mr. DRINAN. Do you have any facts to show that?

Mr. CRAWFORD. I don't have any statistics this morning on that.

Mr. DRINAN. I would like to have statistics. You are telling us that you have followed the law and that the law has changed things, but you can't prove it by any statistics.

You have to find out, you obviously know, how many people have been released at the first hearing who prior to this law would not have been released.

Mr. KASTENMEIER. If the gentleman will yield——

Mr. DRINAN. Yes.

Mr. KASTENMEIER. What I suggest we do after this hearing we analyze the statistics you have furnished us, we will certainly ask for those items that Mr. Drinan has suggested he would like, and we may include some other requests for other statistics as well, which the staff will at least make that request of your office, and to the extent that you can fulfill these additional requests for statistical information, we would appreciate it, so they would be available and Mr. Drinan, myself, and the other members of the committee would have them.

Mr. CRAWFORD. We certainly will be happy to respond.

Mr. DRINAN. Does the Commission use a form letter in advising the prisoner why parole wasn't granted?

You may recall it was the clear legislative intent of the bill that there be a personalized treatment of each prisoner, so he would know what he is doing wrong, and he would receive some guidance as to how he could get parole at the next hearing. So is there a form letter or something additional?

Mr. CRAWFORD. Well, I certainly wouldn't say there is a form letter. There is no letter, there is a notice of action that goes to the individual advising him of the fact that he did or did not make parole.

In most cases there is something personalized in the notice of action. That would be about as far as I could say.

I would say this; it sets out about three or four basic elements, the severity of his offense, the salient factor score, the amount of time he has served, the amount of time that according to our guidelines we feel that he should serve, and in some cases, and I wouldn't say this is in all cases, it would indicate something personal about his case, what needs to be done.

In a substantial number of other cases that may not be true. The guidelines and the reasons given have been tested and the courts have upheld them.

Mr. DRINAN. I was looking for the actual provision in the bill. It was my clear understanding that it would be more personalized than apparently it is.

But perhaps in the future you can follow through more on that.

Mr. CRAWFORD. Well, Father, in conjunction with that I would like to say also that at the time of the hearing—we have tapes of all our hearings—at the time of the hearing, the examiners conducting that hearing discuss with the individual the reasons why he is being denied and in most instances it is far more in detail at that discussion than appears on the notice of action.

Mr. DRINAN. On another point, the statistics here indicate that about 36 percent of the prisoners in revocation proceedings are making use of their right to have counsel. Yet as I read your document here, you state on page 7 that the Commission has concurred in the opinion of the administrative office that the act should be interpreted as providing mandatory appointment of counsel.

Would you explain that apparent discrepancy?

Mr. CRAWFORD. I wish I could explain why they don't ask for attorneys as such in many instances.

Mr. DRINAN. Well, it is mandatory that you assign one. That is the way I read your statement, you say that in revocation proceedings, that counsel must be assigned, mandatory appointment of counsel.

Mr. CRAWFORD. I think—counsel has just advised me mandatory unless waived. And we find that there are so many waivers it isn't even funny.

Mr. DRINAN. Why would they waive it? The bill provides that the counsel can be paid.

Mr. CRAWFORD. In many instances, Father, and I am just giving my opinion of it, it is this, that where the conviction has occurred, if there has been a conviction, many prisoners take the attitude why have an attorney, I know I have been convicted of a subsequent offense, so why do I get involved with an attorney.

Mr. DRINAN. Are you telling me that only 36 percent wanted an attorney?

What kind of a procedure is there for an intelligent waiver?

It is mandatory. You have to tell them: "Mr. X, you have a right, in fact, it is mandatory unless you affirmatively waive it, to have a lawyer for whom we will pay."

Mr. CRAWFORD. Joe, would you respond to that?

Mr. BARRY. Mr. Drinan, the forms that are presented when he comes to the preliminary interview, the probation officer must advise the man in writing of his right to counsel, both at the preliminary interview and later at the revocation hearing.

If he changes his mind later, he gets an attorney.

Mr. DRINAN. What do you mean if he changes his mind? Seventy-four percent of them don't get it. I am talking only about revocation now, where it is mandatory, and the law provides the counsel be paid, and 74 percent don't get it.

Mr. BARRY. Of course the statute provides for the waiver. We can't force counsel on him. Although I understand that a great many persons with new criminal convictions, felonies, are taking counsel. I don't know why it is as low as 36.

Mr. DRINAN. That is the question. And you have no answer?

Mr. BARRY. The answer I guess would be that——

Ms. MEIERHOEFER. The statistics you have in front of you there, they only include 5 months of the bill, which means that our next 6-month report should probably reflect an increase.

Mr. DRINAN. Why probably? I don't think that is relevant. Five months is 5 months. We made it mandatory; we required that counsel be paid. I don't see any relevance of the first 5 months. Unless you have evidence that the Commission has changed, and now 74 percent don't go without counsel that we provided for specifically.

Mr. BARRY. As you realize, it is 64, but it is a large percentage. I would have though it would have been higher, a higher number would be asking for counsel. I don't understand the statistics.

We are willing, able, under the Criminal Justice Act, the administrative office pays for them, they have taken the view that it is mandatory, even though district judges read the act, one district judge in one district has interpreted it differently, but we agree with the interpretation that it is mandatory, and we have no objection to the person having counsel.

Mr. KASTENMEIER. Would the gentleman yield?

Mr. DRINAN. Yes.

Mr. KASTENMEIER. My recollection was that a counsel could be paid in a revocation hearing, but for appearances before the board, these advisers or counsel are not paid.

Mr. DRINAN. No, Mr. Chairman, I am speaking only of revocation.

Mr. KASTENMEIER. I am sorry, I didn't understand that.

Mr. DRINAN. And even worse, only in 41.6 percent of all revocation hearings, only in that small number does the accused involve any representative of his family or friends. They are told that they can bring a representative, and yet only 41.6 percent even avail themselves of the opportunity of bringing someone to speak on their behalf.

Mr. CRAWFORD. It would only be speculative on our part to try to determine why many persons do not have representatives. I have some conclusions perhaps about it, and in many cases I think perhaps they just don't feel it is worth it. In other cases, inmates may feel they can do their own talking. In another group of cases, they feel that they just can't afford to bring an attorney in.

Mr. DRINAN. It is provided for; don't say that. We provided specifically that an attorney in a revocation proceeding will be paid for.

I have a case in mind in Massachusetts of someone who was not informed of his right to an attorney, or the right of that attorney to be paid. He has apprehended by Federal agents; and he is in Lewisburg right now, a total denial of his parole rights.

You say in 74 percent of the cases they didn't ask for it. It is incomprehensible. The law is not being carried out. The research experts say that is only the first 5 months.

It is not going to change, or is it going to change? Has it changed? I think this is a dreadful thing.

Mr. CRAWFORD. When you say you have a case where someone did not receive notice and they weren't fully advised, this strikes me, because once a person comes into the system, we provide him with a form, with a letter, indicating a notice of the date of his hearing, and the results of that hearing, he received this letter following that which spells out these things to him.

And you are saying at least in one case he did not receive that. I would be concerned about that.

Mr. DRINAN. Well, I am, too. His father came to me last Saturday, and I am trying to investigate it. I am trying to get a lawyer appointed retroactively. He was not told of his rights.

This is one case, we can't generalize from it. But when I say this 36 percent, I said have they heard of the law, are they carrying out the law?

Anyway, I would appreciate more information on this. I think it is a serious deficiency in the administration of that law that all of us labored very hard to enact.

Going to the initial parole hearing, only 33 percent of the prisoners make use of the right to have some representative.

Are they fully advised on their right and given ample time to make some arrangement?

Mr. CRAWFORD. The notices, when a man is eligible for a hearing, he is supposed to receive, and we are advised that he does receive a notice advising him, No. 1, of the date of the hearing, and the place of the hearing, and No. 2, he is advised that at that hearing he may be represented by a person of his own choosing.

Also he is advised of the process, that following the hearing if he is dissatisfied with the results, he can appeal that hearing within a given period of time, and so forth, right down the line.

Now whether the timeliness of that—that varies as to whether or not in many cases—and this is a conclusion on my part, but I am satisfied it does happen—in many cases the man may get that notice within 1 week or 10 days, and in other cases he gets it in 30 days; he has 30 days notice.

But the actual delivery or the responsibility for delivering that notice to the man, we have tried to—and I am satisfied that this is done by the prison staff—once they complete the orientation or the classification, then they advise him of the fact that he will be placed upon the next docket of the institution.

If that occurs, then within a reasonable time he gets a notice. In another case, he may not get that notice. At least, that is, within a timely fashion, 5 to 10 days.

Mr. KASTENMEIER. Will the gentleman yield?

Mr. DRINAN. Yes.

Mr. KASTENMEIER. On the statistics, I see what concerns my friend, there is no representation for 58.4 percent and attorneys were used 36 percent of the time.

Statistically, however, this is for a period from more or less October 1, 1975, to September 30, 1976, 1 year, and I think you indicated that of course the act was effective May 14, 1976, 4½ months, so this statistically represents 4½ months during which the act was effective, and 7½ months in which the act was not effective.

It seems to me we need, and I am not sure whether you have this sort of breakdown you can give us, but we need a comparison between the 7½ months and the 4½ months, or a comparison even with the fiscal year and the preceding fiscal year in terms of percentage of access or use of attorneys.

Then we at least can see whether a trend is developing as a result of the new act, and whether these notices mean anything, or whether in fact what we had hoped or thought would take place is not taking place at all.

Mr. DRINAN. Mr. Chairman, I wonder if they have some of those relevant facts now.

Mr. KASTENMEIER. Barbara, do you have those facts?

Ms. MEIERHOEFER. We do have some figures on the parole representatives for the fiscal year prior to this. Let me dig them out here.

Mr. DRINAN. Is this the initial hearing or revocation?

Ms. MEIERHOEFER. This is revocation.

Mr. CRAWFORD. If not, I don't see where we would have any problem developing the figures to show what was prior to May 1976 and what has happened since that time.

I think this figure represents the total for the year rather than any specific breakdown between, before, or after the act.

Mr. KASTENMEIER. That would be my reading of it. That is why it is not totally satisfactory for purposes of our use.

For example, if the larger part of the period were let's say 15 percent, and the secondary part of the period, 4½ months, were 65 percent, we could readily see the problem.

Mr. CRAWFORD. We would be happy to make that available to the committee. In fact, we will make that available to the committee.

Mr. KASTENMEIER. Thank you. I do think your staff has something for us now.

Ms. MEIERHOEFER. For the fiscal year prior to this, from October 1974 through September 1975, the percentage of parole hearings with representatives—these are hearings in the institution—was 28.5.

Mr. DRINAN. 28.5 had some representation?

Ms. MEIERHOEFER. Representation at their parole hearings in the institution. The figure for revocation hearings was 40.1 percent.

Mr. DRINAN. So it has gone down. Do you have any explanation of that?

Mr. Chairman, I am deeply distressed that they are not implementing the act that we struggled with so hard.

On another point, how many prisoners request a transcript of the initial hearing to help in their appeal? They have a right to this under section 4205(d).

Mr. CRAWFORD. How many have requested the transcript as such?

Mr. DRINAN. Yes.

Mr. CRAWFORD. We don't have that figure.

Mr. DRINAN. I would like to have it if I may. This goes to the basic question, sir, Mr. Crawford, what efforts have been made to familiarize the prisoners with their new rights?

They have forms and that type of thing, and they are informed of the date pursuant to law.

But has any attempt been made to tell them that the philosophy of parole has been changed by the Congress of the United States?

Mr. CRAWFORD. Yes, sir. We have published a pamphlet that is given to every prisoner in the institution when he comes in as part of his clothing, and it outlines—there are a variety of questions in here. It explains to him some of the act itself, it explains to him about his eligibility, how he can tell, a variety of questions are asked and answered here.

I would be happy to submit this to the committee.

Mr. KASTENMEIER. Yes, we would like to have that.

Mr. DRINAN. Mr. Chairman, I would like to take this now and find out what it says precisely about the point on which I am so bitterly disappointed, that the number of people, after this act, who assert their statutory right to counsel has gone down.

This is just unbelievable. And your research people have no explanation.

I just want to find out here what you say. It is question 49.

May I have an attorney at my preliminary hearing and revocation hearing? Yes, you are entitled to an attorney of your choice or have one appointed by the court if you request one, because you cannot afford to pay for one. Any voluntary witnesses requested by you may also be present if they have information about your alleged violation. It is your responsibility to keep your attorney and the other witnesses advised of the time and place of the hearing.

I don't see here that they are informed that they can get an attorney paid for, or have one appointed by the court if you request one, because you cannot afford to pay for one.

That is not what you say here. It doesn't say it is mandatory and it must be appointed unless you waive it.

So it seems to me this is erroneous.

I hate to be difficult, but we get all types of letters from people in prisons or about to go and I am glad to have this. Somehow this never came to the oversight committee here. I am sorry that the first thing I read here is in error.

Mr. KASTENMEIER. Would the gentleman from Massachusetts indicate what error he finds?

Mr. DRINAN. The gentleman has said that providing counsel is mandatory in revocation proceedings. He has come to that conclusion, as he stated it on page 7 today.

I don't see that in question 49 at all. And unless there is another place where it is explained here, "Yes, you are entitled to an attorney of your choice, or have one appointed by the court if you request one because you cannot afford to pay for one," that puts the burden right back on the accused. He has to say, "I can't afford one; I want one appointed by the court."

And we are told today that they should be told, "Listen, you are going to have an attorney, paid for by the court in the revocation proceeding unless you affirmatively waive it."

Mr. CRAWFORD. I think what we are saying in our statement here is that it should be, we feel it should be interpreted in that manner.

Mr. DRINAN. I don't care, I can interpret it, I am a lawyer, and it is impossible to interpret it in any other manner.

Mr. BARRY. I would say, Mr. Drinan, that the opposite interpretation, which the court in Kansas made, was that the act's provisions, that the attorney be appointed under the provisions of the Criminal Justice Act, the court said OK, let's look at the Criminal Justice Act.

It says if you are indigent and if the interests of justice require him to be appointed.

Now this court in Kansas said that means that if a fellow has a new conviction or a felony in this particular case, he said the interests of justice didn't require counsel.

But we said if he wants counsel, felony conviction or not, taking out the interest of justice phrase out of the Criminal Justice Act, all he needs is indigency. So that would be the mandatory provision.

Mr. DRINAN. Well, the statute we put through says:

> There shall be an opportunity for the parolee to be represented by an attorney, or, if he so chooses, a representative as provided by the rules and regulations unless the parolee knowingly and intelligently waives such representation.

Now that is totally inconsistent with the answer to question 49 here.

Mr. CRAWFORD. You are still talking about the revocation process?

Mr. DRINAN. Yes, only revocation. It says: "If the parolee is financially unable to retain counsel, counsel shall be provided."

Mr. CRAWFORD. In light of our discussion here this morning, Father, I would ask that you give us the opportunity to review this process again and we will advise you.

Mr. DRINAN. I want a notice to go out to every person in Federal prison that is eligible for parole that this is erroneous, that you have misstated the law, you have failed to carry out the intent of Congress, that you have frustrated the purpose of this committee and the Congress.

That is what I want. I dont want any study. I think it is clear; you have no answer.

I am certain, Mr. Chairman, my 5 minutes have expired.

Mr. KASTENMEIER. I am certain they have, too. The committee would like an opportunity to review this, of course, and comment on it at the appropriate time.

I don't want to get into semantic problems. We do have specific language that the parolee is entitled to an attorney and I think further debate on that can await another time.

I do have just one or two questions. Mr. Mooney, did you have any questions?

Mr. MOONEY. I have no questions, Mr. Chairman.

Mr. KASTENMEIER. I was not aware of the salient factor score process, but I was curious as I looked through the various items, I see you give credit for certain facts or situations being present.

Under item D, it gives a credit if the commitment offense did not involve auto theft. Zero otherwise.

Obviously there is a good reason for that, but it escapes me, since we have had it suggested yesterday and today that auto theft offenders are not the most serious, and this item D, on the face of it, would suggest that if you committed a bank robbery but owned your own car, that you would get one, but if you committed auto theft, you would get zero.

What is the reason for that?

Ms. MEIERHOEFER. The salient factor score is a parole prediction device. The way the guidelines are set up, we have severity on one axis and prognosis on the other. The salient factor goes only to the issue of risk, and we find the auto thieves are the worst risk. This

ranks the seriousness of their offense on a separate axis of the guideline scale, so that is only for the purpose of parole prognosis.

Mr. KASTENMEIER. Thank you.

On the other question of whether this information, question and answer pamphlet is representative, or faithfully precisely to the statute, the question raised by the gentleman from Massachusetts, one thing in addition to examining this, I would suggest that it be made clear that the statute, the relevant statute and the statutory language either be made available at the end of such a thing, or easily accessible in another pamphlet, so if there is any question the inmate has with reference to your characterization of his rights, he will have access to the precise language in the statute, even though you have attempted to make it readable and understandable to him, and, therefore, I think you might protect yourself, if you fail to characterize precisely in any respect what his rights are, that he also has access to the statutory language, and may read it differently and take it up with his counsel, perhaps.

That is merely a suggestion. But in any event, we can look into that further.

I want to thank you, Commissioner Crawford, for your appearance this morning. I would have actually thought the number of problems that would have arisen as a result of the new act would have been even more substantial.

I hope we will have an opportunity to absorb some of the early statistics to see whether we can glean from them what may still be areas of concern to us, and I am sure there will be occasions during this Congress to ask you or a representative of the Commission to again appear before us.

Until that time, I think we can conduct much of our business by communication through the staff.

In any event, I am pleased to have you here this morning, and your staff, and wish you the very best.

Mr. CRAWFORD. We are very, very happy to have been here, and this, to some extent, has been enlightening to us and changes, I am certain, are in the making, and will be made, and much of the material that has been requested will be made available to you.

Thank you very much for letting us come.

Mr. KASTENMEIER. We meet tomorrow morning with the Legal Services Corp. and the Copyright Office. The committee stands adjourned.

[Thereupon at 12:05 p.m. the hearing was adjourned.]

GENERAL OVERSIGHT

FRIDAY, FEBRUARY 18, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met at 10:15 a.m. in room 2226 of the Rayburn House Office Building; Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Danielson, Drinan, and Butler.

Staff present: Bruce A. Lehman, chief counsel; Timothy A. Boggs, professional staff member; Gail Higgins Fogarty and Michael J. Remington, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The committee will come to order.

This subcommittee is continuing its third and final day of hearings of oversight briefing sessions from the series of Government agencies, departments, and bureaus with which this subcommittee has particular interest and responsibility.

This morning we will conclude. We have witnesses here representing the Legal Services Corp. and the U.S. Copyright Office, the first set of witnesses representing the U.S. Legal Services Corp. Her testimony will be given to us in a sense that it will set the stage for really our first major legislative undertaking, which is a new authorization for the Legal Services Corp.

Hearings on that subject will commence next Tuesday. So, while this is only a background, so to speak, it is nonetheless preliminary to something we will be taking up almost at once.

Having said that, I would like to greet the director of the office of Government relations for the U.S. Legal Services Corp., Ms. Judith Riggs, who is here. She is accompanied by certain colleagues, and I would like to extend our greetings to you, Ms. Riggs, and you may identify your colleagues.

TESTIMONY OF JUDITH RIGGS, DIRECTOR OF THE OFFICE OF GOVERNMENT RELATIONS OF THE LEGAL SERVICES CORPORATION, ACCOMPANIED BY BARNEY HAMLIN, ALICE DANIEL, STEVE WALTERS, AND JAMES COLEMAN

Ms. RIGGS. Thank you, Mr. Chairman.

On my left is Barney Hamlin, who is the assistant director of the Office of Field Services, which has direct responsibility for the local legal services program.

And on my right is Alice Daniel, who is the general counsel for the corporation. They will both be able to answer questions for you.

Mr. KASTENMEIER. Are you also accompanied by Steve Walters?

Ms. RIGGS. Yes. Behind me is Steve Walters, who is assistant to the president of the corporation; and Jim Coleman, who is assistant general counsel.

Mr. KASTENMEIER. Thank you.

Ms. RIGGS. We're really here today just to provide some background information to the committee. The chairman of the board of directors of the corporation and the president of the corporation will be here to testify before the subcommittee on Tuesday and to discuss with you the policy questions and issues that go to the extension of the act.

We hope to give you some background for that purpose. I have a feeling we are talking to some of the most knowledgeable people in the Congress about legal services, so this may be somewhat repetitive.

The corporation, of course, was established in 1974 to take over the legal services program that previously had operated through the Office of Economic Opportunity and the Community Services Administration.

The corporation assumed responsibility for the program in October 1975. The corporation is governed by an 11-member board of directors appointed by the President with the advice and consent of the Senate.

Its activities are directed by a president who is appointed by the board. That is Mr. Ehrlich, who will be here on Tuesday.

The corporation has been organized as a private, nonprofit corporation pursuant to District of Columbia law. It is not a Federal agency, and its employees are not officers or employees of the Federal Government. To that extent it's a fairly unique entity in Washington. The corporation itself does not directly represent clients; rather, it funds approximately 300 legal services programs around the country that operate through about 700 individual offices in all 50 States and in Puerto Rico, the Virgin Islands, and Micronesia.

Some of the programs are statewide; others, like the ones in each of your districts, operate on a city or county or multicounty level.

Some of the programs—eight, specifically—are specialized to serve Indian reservations. Ten provide services exclusively for migrant farmworkers. Thirteen are support centers that do specialized litigation activities in support of local legal service programs in their representation of clients.

The Legal Services Corporation Act refers to programs as recipients. Each of these recipients is a private, nonprofit corporation governed by its own locally selected board. That board, according to corporation regulations, is composed one-third of representatives of organizations or groups of eligible clients. At least one member must be an eligible client. Sixty percent of the members must be attorneys admitted to practice in the area served by the program.

The board of the recipient hires the director, establishes policies, and insures that the employees of the program comply with the act.

Local programs set their own eligibility standards for services within guidelines set by the corporation pursuant to the act. Those guidelines set the maximum eligibility at 125 percent of the poverty level, which is now $3,500 for an individual or a little over $6,800 for a family of four.

The programs provide legal representation and counseling in a wide range of civil matters. They do not provide any criminal representation. Most of the problems of clients fall into four areas: Family law; administrative benefits such as veterans benefits, medicaid, and AFDC; consumer law; and housing law.

None of the programs has enough money to serve all of their clients, so each of the programs must set priorities in consultation with the client community.

The programs are staffed by about 3,000 full-time attorneys and about 1,200 paralegal assistants. Of the nearly 1 million problems they handle every year, only about 15 percent actually go to court. The rest are handled through negotiations or other out-of-court mechanisms.

When the corporation came into existence, less than 10 million of the 29 million poor people in the country had even minimum access to legal services. The rest either lived totally outside areas where there were legal services programs or were in areas where the programs were so seriously underfunded that they had no actual access to them.

The capabilities of the programs had eroded over the previous 5 years while the budget was held at static in the face of 30-percent inflation. Last year for the first time, with a higher appropriation from Congress, the corporation has been able to provide significant increases in funds which have permitted for the first time in this decade, the expansion of legal services to new areas and significant improvement of those programs that were most seriously underfunded.

This year the corporation has requested an appropriation of $217 million to continue that expansion effort.

I know some members of this subcommittee are particularly interested in the delivery system study which has been mandated by the Legal Services Corporation Act. We are engaged in a study of both existing staff attorney programs and alternative or supplemental models.

At the beginning of this year we funded 19 demonstration projects, 8 of which test judicare. Four test prepaid legal insurance, 5 test contracts with private attorneys; and 1 is a voucher program. Eight of them are in rural areas; 7 are in cities; and the rest are in combined urban and rural areas.

Additional demonstration projects will be funded this year. In addition, the corporation is establishing a project reporting system for all programs that will give us, and you, for the first time detailed information about caseloads and clients of each program.

The corporation itself administers the programs through nine regional offices and its headquarters in Washington. Very briefly, the structure of the corporation is the Office of Field Services, which has the day-to-day responsibility for local programs; the Office of Program Support, which provides training, technical assistance, recruitment, and clearinghouse activities; the Office of General Counsel, which is the corporation's legal advisor and the legal advisor to local programs; the Office of the Comptroller, which handles the bookkeeping and auditing functions; the Research Institute on Legal Assistance, which is devoted to studying a broad range of legal problems that relate to the activities of the legal services programs; and the Offices of Equal Opportunity, Budget, Program Planning, Public Affairs, Government Relations, and Administration.

The total staff of the corporation, including its 9 regional offices, is now 141 people. Less than 3 percent of the total funds appropriated to the corporation by Congress goes for administration. Over 90 percent goes directly to the field programs and the rest goes to support of the field programs.

We have provided the subcommittee with several documents which give much more information about the program: The annual report which is required by the act and which lists all of the legal programs, and the green-covered document, which is our budget request for fiscal 1978. The latter provides detail about what we are doing now and what we plan to do in fiscal year 1978 if Congress appropriates the funds we have requested.

All of us here would be glad to answer any questions you might have.

Mr. KASTENMEIER. Thank you, Ms. Riggs.

Statistically you indicate there are—what—how many poor in the country, about 20 million?

Ms. RIGGS. Twenty-nine million who fall below the official poverty line established by OMB.

Mr. KASTENMEIER. You indicated that the Legal Services Corporation could service those persons who were not making over 125 percent of the poverty level?

Ms. RIGGS. That's right.

Mr. KASTENMEIER. And that 29 million fall into that category?

Ms. RIGGS. The 29 million are people below the poverty level, 100 percent of the poverty level. That is the base by which we determine access to services. The maximum eligibility at which a local program can serve clients is 125 percent. Each program sets its own eligibility standards. Many set them below that.

Mr. KASTENMEIER. In other words, the potential eligibility would be considerably over 29 million?

Ms. RIGGS. Yes. That's just the flat figure available from the Census Bureau. The actual number of potentially eligible clients is substantially higher than that.

Mr. KASTENMEIER. At the present moment you are handling about 1 million problems a year, I think you have indicated in your text, and have provided minimum access to 3.8 million persons.

Ms. RIGGS. Yes. Minimum access means only that. It translates to 2 attorneys for 10,000 poor people. Now, obviously all of those poor people do not have a legal problem every year. The studies show about 23 percent of them do, but even so, the programs cannot serve all of the eligible clients with the resources that are available at that level. They have to make very difficult choices and depend very largely upon voluntary efforts from the bar and other sources.

It is our plan for minimum access. It is only that. It is certainly not adequate for full services.

Mr. KASTENMEIER. By definition, then, the program would not reach the small businessman, the farmer, the landlord, unless, in the unlikely event that that person was not making over 125 percent of the poverty level?

Ms. RIGGS. That's right.

Mr. KASTENMEIER. I'd like to explore what is a typical program, what 1 of the 300 progrms might look like in the country. Would they necessarily be devoted, a single program, to a scope of activity,

that is, agricultural migrant workers or any particular class of persons, or are they generally, most programs, typically available not on the basis of a category, a special category, of poor people, rather across the board?

Ms. RIGGS. Virtually all of the programs provide services to poor people across the board. There are a few programs that are specialized because of the unique nature of the clients they serve. Those are the 8 that operate on Indian reservations and 10 that provide services specifically to migrant farmworkers.

Other than that, the programs provide a broad range of services to all clients, and of course to the extent that there are Indians and migrants in the service area, they would serve those clients as well.

I might mention that Mr. Hamlin is a former director of the legal services program in Camden, N.J., and Mr. Walters has had experience as a staff attorney in a rural program in Georgia. Each of them can respond about the day-to-day activities of those kinds of programs.

Mr. KASTENMEIER. If any of my questions, or indeed those of the committee, are in your estimation better directed to Mr. Hamlin or one of the other colleagues, feel free to direct those questions to those persons.

In a typical program, the attorneys who provide the service are staff attorneys and paid an annual salary and are not, say, retained on a case-by-case—or compensated on a case-by-case—basis; is that correct?

Ms. RIGGS. That's correct.

Mr. KASTENMEIER. There had been prior programs such as judicare and other such programs which did involve private attorneys and compensation to them on a case-by-case basis, and that is entirely in the past?

Ms. RIGGS. There are three judicare projects that are presently funded. They had been funded in the past and are still funded by the corporation. One is in the northern part of Wisconsin, one in West Virginia, and the other in Montana. As I mentioned, the corporation, in response to the Congress's mandate, is conducting a delivery system study in which we are testing models other than the staff attorney model in 19 locations now, and we will be funding some additional ones. Those all involve private attorneys. Eight of them are judicare projects.

Mr. KASTENMEIER. The request, you indicated at least as far as Legal Services Corporation for the ensuing fiscal year, is $217 million?

Ms. RIGGS. That's right. That's the budget request that was submitted to Congress.

Mr. KASTENMEIER. Obviously we'll not ask you detailed questions concerning that, but they will be directed to Mr. Crampton and Mr. Erlich next week. But you might, however, go back and indicate what the ultimate design of the program—the corporation is as far as optimally meeting the needs, the legal needs, of the 29 million or more persons involved. Ultimately it is expected that this figure, $217 million, in 5 years or some period of time will have to be very much larger. Is that in the future plans of the corporation, to your knowledge?

Ms. RIGGS. The corporation has a short-term plan to provide minimum access to services, which would translate to 2 attorneys per 10,000 poor persons.

The planning for fiscal year 1978 and fiscal year 1979 is directed toward that objective, using a formula of $70,000 to support those 2 attorneys and the necessary services. That itself is a very minimal goal, both because 2 attorneys for 10,000 is certainly not adequate to take care of all of the legal needs but only to provide access for them to deal with their most urgent needs, and also because the $70,000 figure itself is based on current funding levels, current levels of expenditures, which place an attorney's salary at about $12,000 a year.

So, we emphasize that is only minimal. Short term, the corporation's plan is to accomplish that goal by the end of fiscal year 1979. Others have urged the corporation to do that much more quickly. The budget proposal for $217 million for fiscal 1978 would essentially provide funds to virtually all of the existing programs to get them up to a level of funding that would meet that minimum access goal and to provide expansion to cover part of the country that is still unserved. We will complete that expansion effort in fiscal 1979, and the tentative budget figure for fiscal 1979 to accomplish just that purpose is about $275 million. That does not take into consideration other factors that will have to be addressed over the long run that go to issues of variations in costs of delivering services around the country, to questions of salary comparability and other kinds of specialized, unique services that may be needed.

Mr. KASTENMEIER. Is there a long-range goal beyond fiscal 1979 in achieving that particular goal?

Ms. RIGGS. The corporation has not fully articulated long-range goals. Certainly four attorneys per 10,000 is a much more adequate service level. I think you may want to discuss that in more detail with Mr. Cramton and Mr. Ehrlich on Tuesday.

Mr. KASTENMEIER. Just simple mathematics, you indicated 2 attorneys per 10,000 people; and those 2 attorneys would cost $70,000. That is $7 a poor person. If you are assuming 29 million poor people, that comes to $203 million you would need for that purpose, and you're requesting $217 million now. So, to the extent that you would be able to, out of whatever is allocated, devote $203 million to that purpose—and I know you have other programs to support other than this, direct legal service. You do have other backup programs, research and all the other things, and administration.

But it seems if you can find $200 million for that purpose alone, you are within reach of it, mathematically.

Well, I'm going to, at this point, yield to my friend from Massachusetts, who is first here this morning, Father Drinan.

Mr. DRINAN. Thank you, Mr. Chairman.

I'm not certain that my questions are relevant at this time since these people have just set forth the background. But my problem is not with that. My problem is with, what if anything the corporation has done concerning what I conceive to be improvements in the law. And I wonder, for example, has the board made any recommendation—or will they make any recommendation—to remove the restriction which prevents programs from providing legal assistance in school desegregation cases?

Ms. RIGGS. I think you are right. That is a question that is more appropriate to ask on Tuesday.

The board discussed that issue at its meeting in January, and Dean Cramton and Mr. Ehrlich can respond to this more completely, but essentially it voted to support an effort to eliminate those restrictions.

Mr. DRINAN. To eliminate them?

Ms. RIGGS. Yes.

Mr. DRINAN. What about the restriction which prevents programs from providing legal assistance in most abortion cases?

Ms. RIGGS. They did the same with that.

Mr. DRINAN. What about section 1007(b)(6), about organizing activities, if poor people are denied legal counsel by the formation of organizations and so on, what if anything will they say about?

Ms. RIGGS. The board did not discuss that particular issue at the January meeting.

Mr. DRINAN. Why not?

Ms. RIGGS. It was not raised at that time.

Mr. DRINAN. Why not? This is a restriction that effectively denies first amendment rights to associate to poor people.

Ms. RIGGS. The issue did not come up at the meeting in January. You may want to discuss that with Dean Cramton and Mr. Ehrlich on Tuesday.

Mr. DRINAN. What other reforms are they proposing?

Mr. BUTLER. Will the gentleman yield?

Mr. DRINAN. Yes.

Mr. BUTLER. What did your last question address?

Mr. DRINAN. Thank you. It's the question of repealing section 1007(b)(6).

Mr. BUTLER. Political activity? I thought that law had already been repealed. Thank you.

Mr. DRINAN. I just looked briefly at Mr. Ehrlich's testimony, which he will give on Tuesday, and perhaps he will go into some of those things.

Well, Mr. Chairman, I have no difficulties with what has been proposed here, but just for information, I attended a meeting here some time ago when the GAO presented a study that they were making. Is there any further information on that?

Ms. RIGGS. We have been talking with GAO. I think there is a gentleman here from GAO today, Mr. Leyton, who is in the audience. GAO is looking into legal services, looking into the question, as we understand it, of the total amount of resources available for civil legal services around the country and the way in which those resources are coordinated.

Mr. DRINAN. I heard that months ago. What has happened since?

Ms. RIGGS. Well, as I understand the study—and they can probably explain it to you more than I can—they are now in the process of conducting on-site surveys in three regions: Chicago, San Francisco, and Atlanta; looking at programs in those three cities and also at programs or at the availability of resources in rural counties near those cities. In addition, they have told us that they intend to send a national questionnaire to all of the legal services programs they can identify—the ones funded by the corporation and others that may exist—to determine the extent of the resources available to them. We are trying to work with them.

Mr. DRINAN. All right. The GAO is supposed to be the watchdog of the Congress, and this study was started without my knowledge or consent, and I came to one meeting quite casually and have not heard anything since, and that is months ago.

Do you work daily with them or weekly?

Ms. RIGGS. No, sir; we don't. We have had discussions with them about what they're doing and have tried to keep informed as much as we can about what is going on. But you are right. They are an arm of the Congress.

Mr. DRINAN. It's a free-floating study that doesn't come to the Oversight Committee and apparently doesn't come to you very much. It's not relevant here, but they are spending an awful lot of money, apparently, if they're making those investigations. And, in my judgment, from the little that I know, they are going back over questions that don't need review.

Well, ma'm, I thank you very much for your presentation. Maybe after Mr. Danielson talks, I'll have some more questions.

But I'm interested in moving some of the restrictions which were placed in this particular bill, because of circumstances we don't have to review but which have been objected to by many voices and many organizations within the legal profession, and I'm anxious that we do that as quickly as possible. And apparently the board has backed away from changing some of those things which, in the judgment of sensible people, are wrong.

Mr. Chairman, if I may reserve whatever time I have and yield back to the Chair?

Mr. KASTENMEIER. The gentleman from Virginia?

Mr. BUTLER. Thank you. I may be one of those insensible people with reference to your reforms. I thank you very much for taking time. I'm not one of the more knowledgeable people, because I haven't been on this subcommittee before, so I may ask some questions that seem rather simple to you, but help me a little bit.

Let's go to the question of field programs to be sure I understand it, and you can select any one of them; who selects the staff for the field programs?

Ms. RIGGS. The director of the program is selected by the local board of the program. The program itself is a private, nonprofit organization that receives funds from the corporation. It has a board, 60 percent lawyers from that jurisdiction. They determine the policies for the program, and hire the director of the program.

Mr. BUTLER. Well, now, is the grant, or the funds released to a local field program, released to that local corporation?

Ms. RIGGS. Yes.

Mr. BUTLER. And they handle the payroll and select the personnel?

Ms. RIGGS. That's right. And all the personnel are employees of that program, not employees of the corporation.

Mr. BUTLER. And how do you police that?

Ms. RIGGS. Well, the corporation operates essentially through nine regional offices. For example, the program in Roanoke is under the direct supervision of the regional office that is located in Rosslyn. The regional office has a staff of five persons who monitor the programs on a quarterly basis and maintain continued contact with the programs

to see what the programs are doing, and to identify any problems that may exist, in order to help those programs.

In addition, the corporation is installing a management information system, which has never been available in the past, that will provide detailed information about what each of these specific programs is doing in terms that will be comparable nationally. It will give us specific information about the nature of the legal problems they handle, who the clients are, and how the problems are resolved.

Finally, of course, the corporation does investigate any kinds of complaints, and there are not all that many, that come to the corporation from private citizens, or anyone else who's concerned about the way in which the program is operated.

Mr. BUTLER. With reference to the autonomy of the local groups, what about the fringe benefits of employment, and things of that nature? Are they Federal employees?

Ms. RIGGS. No.

Mr. BUTLER. So each local organization works out its own employment benefits program?

Ms. RIGGS. That's right.

Mr. BUTLER. So there's no uniformity about that unless it is coincidence?

Ms. RIGGS. That's right.

Mr. BUTLER. With reference to the question of employing attorneys, I guess on a contractual basis, or individual attorneys in private practice, is that a policy decision not to do that, or is that something in the statute that prevents that?

Ms. RIGGS. Over the years the program has developed as a staff attorney program. The corporation assumed responsibility for that program from the Community Services Administration. In response to the provision in the statute, we are experimenting with alternative or supplemental methods for delivering services. One of those demonstration projects is in Roanoke.

Mr. BUTLER. I had not realized that. So it is policy decisions: there is nothing in the statute that prevents you from experimenting?

Ms. RIGGS. No; not at all.

Mr. BUTLER. All right. Now, since you did bring up Roanoke, tell me—I also represent other areas. Let's take Bland County, which I think we've got about 3,000 people up there, but—and some property. What services does your corporation have available to them, either directly or through one of the vehicles?

Ms. RIGGS. I would have to check to be absolutely sure.

Mr. BUTLER. Well, just assume, just select a hypothetical remote area.

Ms. RIGGS. I am quite sure that at the present time the corporation does not have a program that extends into that county. That is one of the reasons for the budget request to Congress for additional funds, to be able to provide services in those counties.

It is true in more rural areas, in more isolated areas, there is an enormous need for services, and a need to reach out. The program has not had those resources in the past.

Mr. BUTLER. I guess my question is basically this: Since we have now undertaken to provide legal services for people at a certain level and below, how can we say that we will do it for some and not for others?

Haven't those people in that area got a right to insist that you provide them with legal counsel?

Ms. RIGGS. Yes, indeed, they do. And that's the whole basis of the corporation's budget request, that we can't say no to those people, and we've got to get the resources to provide the services to them as well.

Mr. BUTLER. Well, wouldn't you also agree then that instead of expanding our area of services, to take care of the individuals we are already obligated to until we start removing the limitations on our present ability to provide services?

Ms. RIGGS. By expansion, we mean simply within the eligibility guidelines announced, giving existing programs, or new programs if that's necessary, the resources that they need to reach out.

Mr. BUTLER. Well, what I'm saying is wouldn't it be better to get existing programs universally available until we start adding new programs?

Ms. RIGGS. That's exactly what we're trying to do. In some places like in Bland County, and I don't know the details, the way to do it may be to give the Roanoke program the resources necessary to put an attorney out there or whatever.

In other cases, there may be unserved areas which can't efficiently be reached by an existing program and we would have to set up a new program. The corporation does, as a matter of policy, try to reach out to those other areas through existing programs, rather than to start new programs.

Mr. BUTLER. Well, I think that answers my question.

I thank you and I urge you to visit Bland County sometime. I think you will find it a delightful place.

Mr. KASTENMEIER. The gentleman from California, Mr. Danielson.

Mr. DANIELSON. Thank you. Mr. Chairman.

And thank you, Ms. Riggs, for your presentation. I came late; I apologize. But I have read your statement in the meantime. I have only a few subjects to inquire about. One, I'm a little confused as to precisely what you mean when you use the terms minimum access, maximum access, and maximum eligibility. Would you help me out on those three, please?

Ms. RIGGS. We don't use the word, maximum access, because it does not exist. By minimum access we mean simply trying to provide enough funding to give eligible people a minimum chance to use a legal services program. It is not an adequate level of funding to allow that program to meet all of the needs of the eligible clients in that community, but at least it brings that program within reach of the eligible clients in that community, and with the clients they set priorities for the services they'll provide.

Mr. DANIELSON. Then it is not minimum access, it's not equality of the client?

Ms. RIGGS. No, not at all.

Mr. DANIELSON. But it is the quality of the services provided through your corporation?

Ms. RIGGS. To the eligible clients.

Mr. DANIELSON. In other words, as I understand it, if you were to fund the program, there would be no point in doing so unless you were able to provide a sufficient quantity of service so that it had some significance, so that it was a meaningful contribution to solving people's problems? Is that more or less what it is?

Ms. RIGGS. That is exactly the objective. So that if people with an income below $5,000 are eligible for services in an area, the local program has the resources necessary to at least establish minimum access for those people whose income is below $5,000.

Mr. DANIELSON. As opposed to a token, in other words?

Ms. RIGGS. That's right.

Mr. DANIELSON. It would have to have something of a significant value, rather than just a symbolic delivery.

Ms. RIGGS. That's right. If you translate it into dollar terms, it means $7 per poor person as that minimum access level. Some of the programs for historical reasons and a lack of funding over the years are funded now at a level that amounts to only about $2 or $2.50 or $3 per poor person. Now that's really a joke to say that all of those poor people in that area have access.

Mr. DANIELSON. I understand, I believe, what you mean now. Then the term maximum access was either a slip of the tongue, or a slip of my ear. Is that correct?

Ms. RIGGS. Well, obviously, it would be an ultimate objective to provide every poor person with full access to the legal services that person needs.

Mr. DANIELSON. Now, the term maximum eligibility is used. What do you mean by that?

Ms. RIGGS. Again, as required by the statute, the corporation has set eligibility guidelines that establish maximums for the local programs. The highest eligibility level a local program can set is at 125 percent of the poverty level.

Mr. DANIELSON. It's a ceiling level on the resources of the ultimate recipient, the client?

Ms. RIGGS. That's right.

Mr. DANIELSON. The client is not eligible if he or she has more than a given financial capacity, is that the idea?

Ms. RIGGS. That's right. There are certain exemptions in the regulation to take into account special needs.

Mr. DANIELSON. But that would be a basic rule?

Ms. RIGGS. That's right.

Mr. DANIELSON. And that's 125 percent of poverty. And I think you said that brings in around 29 or 30 million people.

Ms. RIGGS. That 29 million people are the people, according to the Census Bureau, who are below the poverty level; 125 percent of poverty is substantially higher than that.

Mr. DANIELSON. I see. Thank you. Now I'm concerned about one thing. I have a fairly keen interest in this program. I know it's designed to meet an important social need, and I am hopeful it will be very successful in doing so. But I'm a little concerned on one thing.

During the recess in checking around in California, I found that almost throughout the State, one category of principal recipient of the funding was the legal aid foundations, which already have existed for years in every community. For instance, in Los Angeles we have had, for as long as I can remember, a rather large and effective legal aid foundation. Now it is in larger, better quarters and I would say in a less available area of town than it was before to the poor person, but it is receiving a substantial bit of its funding now from the Legal Services Corp. I checked all of the recipients in California and I found that several legal aid foundations are receiving benefits.

Now, in my opinion, and I hope you can disabuse me if I'm wrong, but in my opinion, instead of providing more legal services to more people in areas where it did not exist before, what we've really done is shift the burden of support of the legal aid foundation from individual contributors to the lawyers wives society which could work in supporting those, Community Chest and similar organizations; and now the local donors, the charitable organizations have been relieved a little bit of legal aid foundation, because they're getting the money from Legal Services Corp.

Would you comment on that, please?

Ms. RIGGS. In fact, the corporation's level of funding which translates to the dollars per poor person assumes and encourages the continued availability of other sources of funding to get anywhere near adequate services. In Los Angeles for instance, there are a number of resources that go to support the legal aid foundation, including a lot of voluntary contributions from the bar and the wives, as you say.

Even so, that program cannot reach all of the poor people in Los Angeles and Los Angeles County. The corporation, in examining its use of funds in existing programs, and in considering where to expand the legal services does take a very careful look at the other sources of funding available. Surely, if there were adequate sources of funding available, we would take that into consideration.

In fact, there are a lot of very valiant efforts by volunteer organizations with a very minimal amount of funding to provide some services to poor people. In many cases it may be that with the addition of corporation resources into those areas and the continuation of those voluntary efforts, you could put together a service delivery package that really provides services, or provides a level of minimum of access for the poor in that area.

Mr. DANIELSON. Well, I understand your position there. And I hope that you are very effective in achieving that. But I do have a real concern that by having the legal services corporation funds go to the financing of preexisting legal services activities, such as the legal aid foundation in my own area, we take a little of the pressure off of the local donors, the local charitable funding organizations, and they feel, well, this is great, we don't have to work so hard now for the legal aid foundation, the Government's going to take over the funding.

And I think, unfortunately, that that is pretty much in line with proven human behavior, that if you can get somebody else to carry the load, let them. It's easier than carrying it yourself. It is a hazard that you have to watch out for, and I hope you will be very conscious of it. Because I'm fearful that money, being the greatest incentive on earth, people are going to figure if it can come from someplace else, why should I dig into my pocket and help support the preexisting programs.

Ms. RIGGS. That is certainly a very legitimate concern. There has not been a serious suggestion that where the corporation or the prior Federal funds went into a local program the local resources were taken out. In fact in many cases the availability of Federal funds has been a stimulus for more local activity as well.

One point that maybe I should clarify is that when the corporation assumed responsibility for the program in 1975, as the act required, we assumed responsibility for continued funding of all of those legal

services programs that had been funded by OEO and the Community Services Administration as far back as 1969. So that while it's true that the corporation has assumed funding of prior existing programs, many of those—all of them in fact except a few we've been able to start this year—were existing programs that have been funded by OEO in the past and we simply have replaced that funding as the statute requires.

Mr. DANIELSON. Well, I think I've made my point to the extent it is a point. But I do think this is a hazard that we should watch out for. And I hope you will look with a jaundiced eye on providing funding for operations that previously were funded from other sources.

I also note that some of these organizations which formerly had two or three or four staff attorneys and relied upon pro bono by other lawyers to round out their delivery system now have many more staff employees and rely much less on the pro bono effort. And I have attended some meetings of bar association groups in the last year which bear this out.

And I'm just waving a little bit of a red flag here. I have very much confidence in you and your operation, but I want to call your attention to something which concerns me, and I think concerns quite a few lawyers.

Now I want to go very briefly to the judicare aspect and this ties into Mr. Butler's comments. The programs that are funded of necessity started off in areas of fairly high population density, where there was a concentration of people within the meaning of the law. It should not start off any other way; that's where the greatest need is. But I am gravely concerned that there are many people who are equally poor, equally distressed, equally in need of legal services but are geographically beyond the reach of the programs which are available. Are there any specific steps you're taking to try and remedy that?

Ms. RIGGS. Yes, there are several and Steve Walters, I think, might come and tell of some of the delivery system models that really try to address this kind of question.

Mr. DANIELSON. Before we get into that, because really my question is really a statement in reverse, I'm interested in the judicare concept. I really feel that this is one way that you can bring the legal services to people in the less dense areas where you probably could not afford to have a recipient organization operating. There's just not that quantity of business within a given geographical area.

But you could have—there are attorneys who would be ready and willing, and I'm quite certain able to take care of these problems, given the benefit of some type of modest but reasonable fee arrangement.

Ms. RIGGS. That's exactly what we're trying to experiment with in the demonstration projects, to determine how feasible such alternative or supplemental methods might be. I'm sure Steve could describe some of those if you would like.

Mr. DANIELSON. You are working on them, though, with a good deal of diligence, I hope?

Ms. RIGGS. Yes.

Mr. DANIELSON. I don't know how else you're going to be able to reach probably the majority of the poor people. Even in my city, in the Los Angeles area, you have now three or four or five recipient programs operating, I don't remember the number, but there are a few.

And that means that a poor person living within reasonable bus distance, at least not too far, does have some legal services available. But people living in a slightly more remote area, you might as well have them in Saudi Arabia, he's not going to be able to get there.

Ms. RIGGS. There are some existing programs, like for instance, North Mississippi Legal Services, Texas Rural Legal Services, the Appalachian Research and Defense Fund that have been constituted specifically to provide services in the rural areas.

In Georgia, for example, there is a statewide program, unfortunately not nearly adequately funded, that operates essentially through a system of regional offices within the State. They do through circuit riding effort reach out into rural areas. So the current programs are not totally ignoring that. Much of the expansion happening this year is an effort to reach out to those rural areas.

But in addition to that, as I say, through the delivery system study, we're looking at the question of whether judicare, prepaid, some of these other approaches, might be an alternative way to reaching those people in more isolated areas.

Mr. DANIELSON. Well, I thank you for your comment and all that is implied in it. This is what we need to do. We have to explore ways of reaching the others who are not yet served, and who are equally deserving of being served. And I don't know what the solution is going to be.

I'm gradually getting a stronger and stronger feeling that we simply will not be able to set up recipient corporations all over to handle all of the work with staff attorneys. Because you just can't ever fund that many, whereas you could conceivably have a judicial type arrangement whereby the local attorney in anyplace, U.S.A., any neighborhood, U.S.A., could take care of the problem, and be compensated, at least enough to take care of his overhead and so forth.

Mr. KASTENMEIER. Would the gentleman yield?

Mr. DANIELSON. I surely will.

Mr. KASTENMEIER. My State, Wisconsin, was one of the pioneers in judicare. And I think you indicated the northern part of the State still has an operating system. But the major complaint from OEO in the earlier days was that judicare usually is not cost efficient. That is to say when you have to compensate private attorneys usually the charge would exceed that with which you probably could deliver services if you use staff workers to do the same thing. Now, whether that's true or not—I know that that objection was constantly lodged during those years.

And I assume that that is a part of the reason for either the disappearance of those programs, or at least the nonencouragement of such programs as compared to staff-delivered systems, in terms of the cost efficiency.

But I think what my friend from California suggests still has some relevance because it may be that the small county with 3,000 people may be many miles from Roanoke, and it might be simpler to have one attorney there part-time compensated under some sort of judicare program, than try to have circuit riders or have a major city system outreach that far, maybe 75 or 100 miles away.

Mr. DANIELSON. Well, I appreciate my chairman's comments and I'm not in disagreement at all. And the fault is not entirely with the

Legal Services Corp. I'm a lawyer; we all are. And I think that far too many members of the bar have forgotten that in having the privilege of, shall I say, a franchise opportunity to provide legal services, that comes along with an obligation to take care of those who don't have enough means to take care of themselves.

That's the only reason we need legal services today is the failure of the bar to meet its primary responsibility. I have gone to some bar meetings and I've been distressed to find that I hear people—there is incidentally, quite a feeling in the bar today that more time you go into pro bono work, where you run into everywhere, thank goodness, and maybe that's what the post-World War II generation is bringing in that had disappeared for awhile—but I've been distressed to hear some attorneys, say, well, hell, I'm not going to do any pro bono work; why should I work for nothing.

I'm shocked to think that they've got a right not to work for nothing part of the time. But this is one way, I think, that we can reach them through some kind of judicare agreement and I think the organized bar in most States would insist, to the extent that they are able to insist, and that is pretty strong, that their members do provide judicare type service in a proper case.

So I commend you for working on it, and if there's anything we can do to assist, I certainly would be willing to take part in it.

And I might add, as I conclude, that I do not blame the Legal Services Corp. for not having changed the law under which you operate. I believe that self-appraisal might indicate to some of us that Father Drinan would introduce a bill to change the law rather than the Legal Services Corp.

Thank you very much.

Mr. KASTENMEIER. I have just a couple of questions. This question is a followup to the question Mr. Butler asked. How in fact are the governing bodies of the local programs initially chosen? Do I understand the several local attorneys get together and a couple of what would be client organizations, and say to one another, gee, we ought to have a legal services program here? Why don't we get together and apply? And then eventually those organizers constitute the governing body, or how else are these bodies put together in fact for a new local program?

Ms. RIGGS. Well, when you're talking about the way new programs are established—and of course this is the first year of expansion and it's just in the process of being developed now—the corporation, through its regional offices, works with the bar associations, the existing legal services programs, client organizations, other groups that are involved with poor people's problems and issues, to look at the need and the best mechanism for delivering services in an area. Then a board is constituted according to the regulations, and the local corporation is established with 60-percent membership from the bar, widely representative of the bar within the community. Various bar organizations may name representatives; community organizations name representatives.

In Milwaukee, for instance, they use a town meeting approach to elect the client representatives.

Mr. BUTLER. Will the gentleman yield at this point?

Mr. KASTENMEIER. Yes.

Mr. BUTLER. Are we under any particular requirements as to membership with reference to sex, race, handicap, on the local board?

Ms. RIGGS. Membership on the local boards?

Mr. BUTLER. Yes.

Ms. DANIEL. No. But we do require that the governing body of each recipient program reasonably reflect the interest and characteristics of the eligible clients in that area, so that if there were a large portion of elderly people or minority people, we would expect to see some proportion of the board representing those interests.

Mr. BUTLER. That's outside of the 60 percent that may be on it?

Ms. DANIEL. Well, some of the lawyers might be minorities or elderly. They might be chosen by such groups.

Mr. BUTLER. That's fine. Thank you.

Mr. KASTENMEIER. One of the reasons I asked of course is I represent, not Milwaukee of course, I represent Madison in Dane County, which is a very large county and we may not have as many poor, but we do have poor people there. There was an application for a Dane County program in certain areas, with at least a half million people, but it was turned down in behalf of Milwaukee County. Of course, the Milwaukee program is many miles distant. And I'm sure they've got their own problems over in Milwaukee. That's a metropolitan area itself of well over 1 million people. So I'm not really very much assured in terms of the applications of this. Well, let me say I'm not very satisfied, in terms of a rather large area, Dane County. But they may have failed in terms of organizing themselves.

And while I don't care to go through all of this business with you this morning, the fact is that it is of interest, I think generally, how governing bodies are constituted and how some of these programs are adopted, and others fall by the wayside.

Ms. RIGGS. In that particular situation where the decision was made to expand an existing program, which did have an office in Madison, rather than to fund a totally new program out of that local effort, the organization of that program has been substantially altered to reflect the different nature of the program. The name of the program has been changed, the composition of the board has been adjusted to include six representatives from Dane County, and a local committee has been established to establish policy for the Dane County office within the overall policies of the board of the entire program.

I am familiar with that situation; we've had a lot of discussion about it. And there has been a lot of local discussion about it and a lot of local involvement. And hopefully that will continue.

Mr. KASTENMEIER. Well, I'm sure that that community thinks it's being served out of Milwaukee since it's a Milwaukee program. But the question I was asking is how are those governing bodies put together? Is it done locally? And if so, by whose initiative?

Ms. DANIEL. Well, when a new program starts, for example, in an area where there has not been one, a group may get together and incorporate; frequently a local bar association will incorporate and apply for a grant from the Legal Services Corp. One of the things it has to do in order to qualify for a grant is to put in a proposed set of bylaws that would explain what the composition of the governing body would be. And of course that would have to be 60 percent lawyers, one-third clients.

We would frequently ask them to identify the groups from which they expect these attorneys or clients to be chosen. For example, the local bar association could be involved, but if there were a law school in the area, they might ask the law school to name someone; if there were a civil rights or civil liberties group, that group should be included. In other words, we would like to have a broad spectrum of interests represented, in terms of client groups. If there are existing community organizations, those would be called upon to appoint or elect members to serve on the governing body. If there are not, they will simply try to find what community groups there are that would be appropriate. So that the group that actually incorporates the program generally does not become its board of directors.

Mr. KASTENMEIER. I have one final question. As assistant director for field services, how do you identify unserved areas and the needs of the poor, the legal needs of the poor in that area, Mr. Hamlin?

Mr. HAMLIN. Well, actually there's another division that does that. But what we have done, is we have attempted to chart areas where we have programs and where we don't. And the programs have geographical designations, usually it's counties, but sometimes it might be areas, metropolitan areas. It might be broken down by precincts in cities. And we try to track the poor by that method, by just kind of having a head count.

Mr. KASTENMEIER. Are there any further questions? Yes, Father Drinan?

Mr. DRINAN. These questions may be more properly directed to Mr. Ehrlich, but since you are the director of government relations, I guess you are supposed to explain our—convince me of the position of the board. And I just read Mr. Ehrlich's testimony and he has only five technical recommendations to make to change the charter. And I'm disappointed that the board has not carried forward to wipe out all of these terrible things that got into the charter, and I hope you will tell him that.

And I regretfully say that my enthusiasm has chilled a great deal, because this act here restricts the professional rights and duties of attorneys who work under it. And I made that very clear in a talk which I gave in Seattle some months ago to the national defense—you know what it is. So all I can say is I can't understand why the board, despite all the criticism from respectable voices and groups in the bar association has backed away from cleaning up this act.

And frankly, I am tempted at this moment in time to say I'm not going to vote for the authorization until they do, until they come forward with some legitimate things, some necessary things that will change some basic things in this act.

For example, on voter registration, that got in there, these people are prohibited from doing any activity, however legitimate, for voter registration. And also the question of getting an executive order from an administrative tribunal, they're forbidden to do that.

And it seems to me that you are multiplying the legal services wastefully by representing individual clients when if they were able to go, as any attorney otherwise would be able to go and get an executive order or lobby for a bill, that would rectify the situation. So frankly, right now, until or unless the board comes forward and says, we're going to clean up these things, I might vote against the appropriation

or the authorization. And I'm going to play hard ball if that's the way to do it.

And I hope that other people here will feel my outrage at what they've done. I understand the political situation, they don't want to stir up too many hornets' nests at this point in time. But there are at least 8 or 10 major things that I think they have to change.

The very appointment to the board—there's no clients provided for. President Ford never appointed a client and he never appointed a woman and I think that's one of the many things that has to be changed. The prohibition that legislative and administrative representations of the poor, well, that is obviously contrary to the canon of ethics of the ABA, of the legal profession itself. Similarly——

Mr. BUTLER. Will the gentleman yield? What do we have on ethics here?

Mr. DRINAN. 1007(a)5 imposes restrictions on the representation of administrative and legislative representation of the poor. It should be amended and altered so that lawyers for the poor could do exactly what the lawyers for DuPont can do. And now they are forbidden by Federal law from doing so. And I think that's an abomination. The subcommittee did not put those things in; they were put in by various circumstances that we don't have to go into now, but this is the time to change them. Would you want to comment?

Ms. RIGGS. I think you are right. These are more appropriately addressed to the chairman and the president of the corporation, because they do raise issues of policy.

On the specific question of legislative and administrative representation which you mentioned, if you'd like, Ms. Daniel can explain what is permissible under the current law.

Mr. DRINAN. I know all about it. But if she wants to explain any activity or the staff or anybody else has proposed to limit these restrictions or modify them, I would be happy to hear them.

Ms. DANIEL. I did want to point out that the restriction in the act against administrative and legislative representation has a specific exception where an eligibile client of a program will be affected by a legislative and administrative representation, so that the clients of the legal services programs are entitled to representation before legislative and administrative bodies. And, also, of course, as you are aware, the lawyers can also respond to requests from legislators or committees or whatever to comment on or to offer draft language or whatever on specific measures.

With respect to voter registration activities, that is one of the changes that the board has asked, is that the current restrictions on voter registration activity during the lawyer's own free time should be removed.

Mr. DRINAN. Well, thank you for that. Where have they asked these things? I mean, not in Mr. Erlich's testimony. Did we get a memo?

Ms. RIGGS. One of the amendments, which are, essentially, technical and clarifying amendments, that the board has recommended to this committee is an amendment which clarifies the limitation on the political activities of the legal services attorneys.

Mr. DRINAN. All right. This was in a letter to the chairman, and we never got it until this morning. And I see here—and I will look at that.

tion that's recommended in this document here?
But is there anything on the administrative and legislative representa-

Ms. RIGGS. No; the board has not considered the question of making any changes on that particular issue.

Mr. DRINAN. Why?

Ms. RIGGS. It was not an issue they addressed. Why they didn't might be something you might more appropriately address to them.

Mr. DRINAN. Well, this is the oversight subcommittee of the Congress, and if it means anything, I have been in touch with highly placed people in the Legal Services Corp., and I have assurance that they know of my deep concern, and I don't know why they did not take it up. It's possible that the votes aren't there, and I would like to know. If that's the reason, that's the reason. And in that instance, maybe the Congress could do it without their participation.

But what other amendments have they recommended along those lines?

Ms. RIGGS. The board recommended five specific technical or clarifying amendments.

Mr. DRINAN. Yes, I read them. They are technical. They don't change the policy very much.

Ms. RIGGS. No. That's right. They clearly do not.

Mr. DRINAN. Well, ma'am, as I say, you are the liaison, I guess, with the Congress, and you say they haven't taken it up. Well, I guess it's your job to go back and tell them that until or unless they take it up, that I don't know what I'll do.

Mr. RIGGS. Well, I certainly will make sure that they get that message.

Mr. DRINAN. Thank you very much.

Mr. DANIELSON. May I ask one innocuous question, Mr. Chairman.

Mr. KASTENMEIER. Yes.

Mr. DANIELSON. Are the 19 newly funded demonstration projects included in your more or less 300 programs, or is that in addition?

Ms. RIGGS. Those are in addition.

Mr. DANIELSON. Thank you.

Mr. KASTENMEIER. I must say that I'm sure that Mr. Elrlich and Mr. Cramton will hear directly from the gentleman from Massachusetts next Tuesday.

Mr. BUTLER. But you don't want this bullet spent until the target gets here. [Laughter.]

Mr. DRINAN. Mr. Chairman, I would say I'm hoping for a conversion of those people over the weekend so it will not be necessary to question them. I'm not sure they even here get into the questions I raise.

Mr. KASTENMEIER. That, I think, concludes this morning's hearings, and we're grateful to you and your colleagues for appearing.

Ms. RIGGS. Thank you.

Mr. KASTENMEIER. Next the Chair would like to call Mr. Jon Baumgarten, General Counsel of the U.S. Copyright Office, with whom we have had the pleasure of working in years past.

And you may proceed, Mr. Baumgarten, as you wish. We have your statement here. You may either read your statement or, if you care to, although it is not a very long statement, you may summarize it.

Mr. BAUMGARTEN. I will read the statement.

TESTIMONY OF JON A. BAUMGARTEN, GENERAL COUNSEL, U.S. COPYRIGHT OFFICE

Mr. BAUMGARTEN. Mr. Chairman, members of the subcommittee, my name is Jon Baumgarten, and I am General Counsel of the U.S. Copyright Office.

It is a particular privilege to appear before you almost exactly 4 months to the day after enactment of Public Law 94–553, the Act for General Revision of the Copyright Law. This long-awaited milestone in American copyright law is, and is widely recognized as, a tribute to the outstanding wisdom, perserverance, and tireless efforts of your chairman and present and former members of your subcommittee and its staff.

The register of copyrights, Barbara Ringer, has asked me to convey to you her regret at being unable to appear personally before you this morning. The register does look forward, as do I, to the continued benefit of your subcommittee's advice and counsel in the exercise of its oversight responsibilities.

In response to your chairman's invitation, I will outline the functions and structure of the Copyright Office and the substantive and organizational steps we are taking to implement the new copyright law.

The Copyright Office is one of seven departments in the Library of Congress and is within the legislative branch of Government. A principal function of the Office is the examination and registration of claims to original and renewal copyrights filed by authors and other copyright owners. The Office also records assignments and other transfers of copyright and related documents, and certain notices pertaining to the recording of musical works.

In its examination and registration function, the Copyright Office, unlike the Patent and Trademark Office, does not "grant" copyrights. Under the current law, with certain exceptions for unpublished materials and renewals, copyright is secured by the proprietor by the act of publishing a work with a certain notice; under the new law, copyright will attach automatically upon creation of a work. In both cases, the Copyright Office registers a "claim" to the copyright which the proprietor has secured or automatically acquired.

The examination carried out by the Office is also more limited than that practiced in the patent area. We look to whether the subject of the claim is within a category of copyrightable subject matter and whether the conditions prescribed by the law respecting notice, application, manufacture, and national origin have been met. We do not examine the prior art, apply standards of esthetic merit or novelty, determine whether the claimant is in fact the creator of the work, or resolve conflicting claims.

The Copyright Office performs several other functions related to or resulting from its registration and recordation duties: We catalog, prepare, and distribute bibliographic descriptions of all registered works; upon request, we search and report the facts contained in our records, provide certified copies, and assist the public in using our files; we maintain a public information office for answering mail, telephone and personal visit inquiries about the copyright law and registration procedures; and we have an active publication program for distributing, free of charge, circulars and similar materials on copyright.

I might add that with the inception of the new law, the demands on the Office for information have increased substantially.

Our Office also maintains liaison with the U.S. Customs Service in that agency's enforcement of certain importation prohibitions of the copyright law, and assists the Department of State in questions relating to the protection of American copyright interests in foreign countries. We also actively participate in the consideration and formulation of domestic copyright and related legislation, and the development of international copyright treaties and studies of copyright and related problems undertaken at the international level.

Within the next few months there will be studies of cable television, video cassettes, and video recording devices, and, a number of related matters at the international level in which the Office will participate.

A most significant aspect of Copyright Office operations is its enrichment of the collections of the Library of Congress. As part of the copyright registration system under the current law, and alined with it under the new law, copies of copyrighted works are deposited with the Copyright Office and made available through the Office to the Library of Congress for its collections. The copyright system is the very base upon which the Library of Congress has developed its extensive collections of books, periodicals, music, maps, prints, photographs, and motion pictures. In many of these areas, copyright deposits form the greatest part of the Library's acquisitions.

In addition to the functions I have described, the new copyright law gives additional responsibilities to the Copyright Office. We will be engaged in licensing jukeboxes throughout the United States to perform copyrighted music; we will also receive statutory fees or royalties from both jukebox and cable television operators. These sums will be processed and accounted in our Office and deposited with the Treasury Department for later distribution to copyright owners. The distribution will actually be made by the Copyright Royalty Tribunal, a separate agency created by the new Copyright Act. Our function of recording transfers and certain other, and in, some cases new, documents pertaining to copyrights will also be rendered of increased importance under the new act.

To carry out these various functions, the Copyright Office is now organized into a number of units or divisions: The Office of the Register of Copyrights, which includes the legal, administrative, and planning staffs, exercises overall direction and supervision of the work of the Office; the examining division examines and processes all applications for registration and renewal of copyright claims and all assignments and other documents presented for recording; th cataloging division produces records of all registered works and of assignments, related documents and notices recorded in the Copyright Office. These records describe the registered works bibliographically and physically and state the legal facts of record. They are prepared in various formats, each designed to provide effective reference access to all information of record. The reference division is responsible for all public information and publication programs of the Copyright Office, for compiling and furnishing search reports based on our records, and for the preparation of certifications. The service division is the overall materials control and service center of the Copyright Office. Its responsibilities include the receipt of all incoming and dispatch of all

outgoing materials, the establishment of in-process control as materials flow through the other divisions, and the maintenance of accounts and like reports involving fees received and services rendered.

Under the new copyright law, certain refinements or modifications of this structure may be made, and additional operational units will be created in such new areas of Copyright Office responsibility as jukebox and cable television licensing.

Turning more directly to the new Copyright Act, we are now involved in the implementation of a substantially changed copyright system. By January 1, 1978, virtually every regulation, practice, form, circular, and other piece of paper now used or followed in the Copyright Office will have to be changed. A number of entirely new concepts and responsibilities will have to be accommodated while at the same time transitional applications of former procedures will still be required in particular cases. The task ahead s a complex, but exciting, and welcome one.

The process of implementation is essentially threefold, comprising the formulation and issuance of forms and regulations prescribed by law; the education of the Copyright Office staff, affected Government agencies, and the public in the meaning and application of the new law and regulations; and the modification and development of internal office procedures and organization.

To carry out these tasks, we have superimposed upon our general office structure I described earlier, a number of committees and task groups having specifically defined responsibilities.

One committee is charged to study particular sections of the new law and propose forms and regulations to be carried forward in rulemaking proceedings. At this time we do have three rulemakings outstanding involving public broadcasting, provisions of the act relating to termination notices, and provisions of the act relating to the initial filing responsibilities of cable televison systems.

I would note at this point that if any members of the committee, or the staff, wishes to be put on the Copyright Office's mailing list for receiving notifications of these steps, we will be happy to do so.

Mr. KASTENMEIER. In that respect, I would urge that the subcommittee itself receive copies. I don't know that the members individually, may or may not want to. They would have to speak for themselves. But I think our staff should be.

Mr. BAUMGARTEN. Mr. Lehman is already on the list, and I will be happy to put Mr. Mooney on it.

A special task group of that committee conducts explanatory and training sessions for Copyright Office personnel and coordinates public and agency requests for speakers. A second committee is particularly involved in consultation with Library of Congress representatives regarding the deposit copy and related provisions of the new law, and implementation of the new American Television and Radio Archives established in the Library of Congress by the act.

A third committee is examining the appropriate organizational allocation of our responsibilities, and a fourth, the appropriate construction and processing of our records system.

The activities of the four committees are closely planned with, and monitored by a separate coordinating body, and all implementation activities are subject to ultimate approval by a policy group.

Before concluding my remarks, I would note that the new Copyright Act and accompanying legislative reports require, or request, the Register of Copyrights to make certain studies and reports to Congress and your committee. Two of these are of immediate concern.

Section 114(d) of the new law directs the Register to consult with various affected interests in the broadcasting, recording, motion picture, and entertainment industries, and representatives of copyright owners, organized labor, and performing artists, and to report to Congress on January 3, 1978, whether the copyright law should be further amended to provide a performance right to performers and record producers, that is, a right to compensation for the public performance and broadcast of their creative endeavors. The report is to include a consideration of such rights in foreign countries, and specific legislative or other recommendations. The question of performance rights has a long history, and has engendered considerable controversy in this country. The Copyright Office plans to conduct a thorough, searching, open and objective study of this matter and to report to Congress as requested.

At this time, a senior attorney on the staff of the General Counsel has been assigned principal responsibility for this study, and steps are being taken to provide additional legal and economic support.

The second study of current importance is based on a recommendation made at pages 71–72 of House Report No. 94–1476. I will not read it in full. It is set out on page 9 of my statement. A significant part of the comments of your committee were these:

> The problem of off-the-air taping for nonprofit classroom use of copyrighted works incorporated in radio and television broadcasts has proved to be difficult to resolve. * * * The Committee is sensitive to the importance of the problem, and urges the representatives of the various interests, if possible, under the leadership of the Register of Copyrights, to continue their discussions actively and in a constructive spirit. If it would be helpful to a solution, the committee is receptive to undertaking further consideration of the problem in a future Congress.

The problem adverted to in your report is a most substantial one. Its importance and concern with its resolution increase with each day. I do not believe there is a single meeting we have had in which this question has not been raised. The interests involved are significant. They include the economic livelihood of the producers of this country's audiovisual and broadcast materials, and the effective operation of our schools. The Copyright Office plans to promptly follow your committee's urging and provide impetus for a meaningful dialog and study of the issue. Toward this end we are in contact with a major foundation looking toward the possibility of their personnel, logistical, financial, and related support for such an undertaking.

Other sections of the new law related to Copyright Office reports are section 118(e)(2), relating to the achievement of voluntary licensing arrangements between copyright owners in nondramatic literary works and public broadcasting entities—and I might note, Mr. Chairman, that the parties are in touch and are talking—and section 108(i), relating to the practical effects of the library photocopying provisions of the new law. In addition, members of the Senate have requested the Register of Copyrights to study the economic impact of the 1982 elimination of the domestic manufacturing provisions from the copy-

right law under section 601(a). This request was contained in a letter from Senators Scott and McClellan about the time the Senate passed the conference version of the bill last year.

In your report, your committee also asked the Register to report to Congress should future developments warrant legislation designed to improve the access of musicologists and other scholars to the important segment of this country's musical heritage embodied in pre-1972 sound recordings. Although these reports are not required until after 1978, in many cases appropriate monitoring and fact-finding devices will have to be developed in the near future.

I again want to thank you on behalf of the Register and myself for this opportunity to appear before you. We will be pleased to answer any inquiries you may have now or in the futue.

Mr. KASTENMEIER. Thank you, Mr. Baumgarten.

I would like to now yield to the gentleman from California, Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

I really don't have much to ask you about, since I think you've covered the ground here quite well.

I am interested in one thing. Have you been able as yet to take any steps toward exploring what new legislation, what might be needed with respect to the transnational boundary transmissions of cable programs?

Mr. BAUMGARTEN. Mr. Danielson, the cable issues are at the forefront now. We are looking towards hearings in April, and I believe, with the background of the information gathered at those hearings, we'll be in a better position to proceed.

I do think we need input from the industry before we proceed on it.

Mr. DANIELSON. I'm sure you do, and you haven't had very much time.

Mr. BAUMGARTEN. It's not something we've forgotten about.

Mr. DANIELSON. Thank you.

Mr. BAUMGARTEN. May I add one thing? There is an international meeting in the next few months under the auspices of the World International Property Organization and UNESCO dealing with cable television. There is also a major case pending in the Belgian courts which people are waiting for—it's been pending for quite a long time—and further developments in Europe. So all of this is beginning to gel, and I think we will have information coming from various sources.

Mr. DANIELSON. I would like to respond to that in sort of a question here. I should think that in Europe the problem must be most aggravating, where distances are relatively short compared with our own distances.

I remember one time in Brussels I turned on my TV set in the hotel, and you picked up programs from half of Western Europe there. And it must be a very aggravating problem in that particular area.

Mr. BAUMGARTEN. I'm sure it is.

Mr. DANIELSON. When I think of our problems between ourselves and the Canadians' side and on the Mexicans' side, I guess they are minimal in comparison.

Mr. BAUMGARTEN. Yes. But as you pointed out in several of the markup sessions, Mr. Danielson, the questions of equating foreign and national copyright owners and dealing with them on an equal basis, regardless of what country they are in——

Mr. DANIELSON. I will be certainly interested in finding out what happens.

Mr. KASTENMEIER. The gentleman from Virginia.

Mr. BUTLER. I have no questions, Mr. Chairman.

I appreciate your testimony.

Mr. KASTENMEIER. I have just one or two questions.

I thought we also had asked the Office of the Register for—and I may be mistaken—for some guidance in terms of design protection, whether or not title II in its future form should be considered.

Mr. BAUMGARTEN. Mr. Chairman, there are two areas, one in the House report and one in the Conference report, where the possibility of further hearings were adverted to. One of those is with respect to designs under title II, the second with respect to Mr. Railsback's amendment regarding copyright for NTIS publications.

My understanding is that with respect to those provisions, the committee would undertake the responsibility of holding hearings during this session. The design question is still before us. At the time of the markup sessions we had two cases pending. One case in the District of Columbia we lost. The court ordered us to register an outdoor lighting fixture. The language of the opinion was very uncertain, but in our judgment there was a danger there—not a danger in terms that we were opposed to it, but in terms of what we were supposed to do—that we would be required to register all industrial designs. That decision is now on appeal before the Court of Appeals in the District of Columbia.

And the second lawsuit, involving the copyrightability of typeface designs under the existing law, we won. The result of the case was clearly in the Office's favor. We were not ordered to register the work. And that case is now on appeal before the Court of Appeals for the Fourth Circuit. So it is still a very urgent issue for us.

Mr. KASTENMEIER. Refresh my memory. Is any part of the Copyright Office still in the Library of Congress?

Mr. BAUMGARTEN. The entire office still is.

Mr. KASTENMEIER. You have not moved down to Crystal City?

Mr. BAUMGARTEN. Physically, we have moved down to Crystal City. We hope to move back to the Madison Building.

Mr. KASTENMEIER. But you have not yet?

Mr. BAUMGARTEN. No.

Mr. KASTENMEIER. Do you have any facilities or space at present in the old Library of Congress building?

Mr. BAUMGARTEN. No, not the office itself. Certain related operations. We do have warehouse facilities in other areas. But we are running into a space problem.

Mr. KASTENMEIER. Will that be—if what you hope comes about, you'll be able to physically move all of your facilities into the James Madison Building?

Mr. BAUMGARTEN. The understanding now is that the space we will have in the Madison Building will be sufficient. We may need some

outside warehousing capabilities, but in terms of processing, the space will be sufficient.

Mr. KASTENMEIER. You did not advert in your testimony to the upcoming report of the commission on technological uses of copyrighted material. So I should ask you, have you been in close touch with this committee?

Mr. BAUMGARTEN. The Register is an ex officio member of CONTU. CONTU is meeting at the end of next week in New York, and I understand they have a request for 7 additional months. We have been in consultation with them, and as I have said, the Register is an ex officio member. What their precise plans at this point are I can't tell you. They are dealing with some very difficult issues. But ultimately, I don't know. They have a preliminary report which if it has not been made available to the committee, I will request be sent over.

Mr. KASTENMEIER. I must say, speaking for the subcommittee—and I assume the subcommittee on the other side of Capitol Hill will feel the same way—that when we are asked for an extension, as we once were, of the work, we are chagrinned to have a subsequent request made for the same purpose.

In other words, what I am saying is, when you create a commission or an organization for a certain time, occassionally it is necessary to ask for an extension of its life. Hopefully, that only occurs once. When you do so twice or so, the Congress becomes a little wary and testy about, what's wrong with this organization that it can't do its work on time and is continually requesting extensions?

So when we do handle that particular problem—and may remarks are not properly directed to you, Mr. Baumgarten——

Mr. BAUMGARTEN. We have our own problems.

Mr. KASTENMEIER. Yes. But we will communicate to that commission the displeasure of being importuned once again.

Mr. BAUMGARTEN. I really can't speak for them, but as I understand it, their current request is intended to make up for the time lag which came between the passage of the statute and the time when the members of the tribunal were appointed.

I was not aware of the fact that they had asked for a previous time extension.

Mr. KASTENMEIER. Well, in any event, we will have discussions with them.

Mr. BAUMGARTEN. In a related vein, the thing we're waiting for now is the President's appointments to the Copyright Royalty Tribunal. The deadline for appointment is April 19. As you will recall, they are to get busy right away on public broadcasting; and if the FCC changes certain cable rules they now considering, they will also have to get busy on that pretty soon.

Mr. DANIELSON. Would the Chairman yield?

Mr. KASTENMEIER. Yes; I will yield.

Mr. DANIELSON. I'm really going to ask the Chairman a question, or make a suggestion. Maybe it wouldn't hurt for one of us or some of us to drop a line to the President reminding him that these appointments have to come up. You know, he's got hundreds, maybe thousands of appointments to make, and it may just well be that he hasn't even thought about it.

Mr. BAUMGARTEN. There was an individual in the transition office who was responsible for that, and there are discussions within the White House itself. They are aware of this.

Mr. DANIELSON. Fine.

Mr. KASTENMEIER. All right. If there are no further questions, it's good to see you again, and I would like you to keep us advised, you or someone at the Register, where there are difficulties, particular difficulties that emerge as a result of the new law that perhaps are unanticipated.

In any event, we should be kept advised and aware of any developments of that sort.

Also, in terms of recent court cases that bear on the new law such as we have developed it, because occasionally those will place—well, will cause us to look at our work in terms of whether or not some modification might be necessary.

Thank you very much.

That actually concludes our series of sessions of oversight briefings with agencies of the Federal Government with which this committee has very special business. Accordingly, we stand adjourned.

[Whereupon, at 11:50 a.m., the subcommittee adjourned, subject to the call of the Chair.]

GENERAL OVERSIGHT

THURSDAY, APRIL 21, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE,
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m. in room 2226 of the Rayburn House Office Building; Hon. Robert Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Danielson, Drinan, Santini, Ertel, Railsback, and Butler.

Staff present: Bruce A. Lehman, chief counsel; Timothy A. Boggs, professional staff member; Gail Higgins Fogarty and Michael J. Remington, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The committee will come to order.

The purpose of the oversight hearing this morning is to introduce members of the Subcommittee on Courts, Civil Liberties and the Administration of Justice to those individuals who have been designated to head the Department of Justice's new Office for Improvements in the Administration of Justice.

Executive-legislative relations are an important aspect of our Government. This subcommittee is therefore quite anxious to learn of the Office's new plans and new resopnsibilities.

At this juncture, I would like to state that we are very pleased to have with us today the Assistant Attorney General, Daniel J. Meador.

With him are two other prominent officers in the Office for Improvements in the Administration of Justice: Ron Gainer, whom the Judiciary Committee has had an opportunity to speak with and hear testimony from in the past; and also Paul Nejelski. Mr. Nejelski was prior to his present employment, an assistant U.S. attorney in New Jersey; he served in the Criminal Division of the Department of Justice; he worked for LEAA; and more recently, was deputy court administrator for the State of Connecticut. He has had a broad background and we welcome him. I haven't had a chance to meet him before and I am pleased to do so.

I might also add that Mr. Meador was a professor of law at the University of Virginia and comes directly from that post to the Department of Justice. Prior to that, he was dean of the University of Alabama Law School. In addition, he is the author of a number of books on caseload problems in the Federal courts; he served as chairman of the task force on courts, National Advisory Commission on Criminal Justice Standards and Goals; all in all, he has had an impressive public and private background.

Mr. Gainer has served for years in the Department of Justice and is one of its most exprienced senior officers.

We are pleased to see him again.

In a recent speech, Mr. Meador explained that the President and the Attorney General are firmly committed to using the resources and influence of the executive branch to improve this country's entire system of justice. For this reason, the Office for Improvements in the Administration of Justice was created and given a broad mandate.

Mr. Meador, further stated that:

> * * * the executive branch of Government has never had a permanent, systematic means of dealing continually with court problems, especially as they affect the public, and is furnishing continual support for courts, Congress and the public. This new office is designed to do that.

We, as members of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, are charged with developing proposals dealing with the structure and organization of the entire Federal judicial system. This roughly corresponds with the mandate of the Office that Mr. Meador now heads.

This subcommittee does not presently have jurisdiction over the creation of new Federal judgeships. In due course that subject-matter area will be transferred to us. This transfer will occur shortly after the pending judgeship bill has been disposed of by 95th Congress. At that time, this subcommittee will have more complete responsibility over the structure of the Federal judicial system and for the administration of justice by that system.

Having given these brief remarks, I am now very pleased to welcome Mr. Assistant Attorney General Meador and his deputies. Mr. Meador, you may proceed as you wish.

TESTIMONY OF DANIEL J. MEADOR, ASSISTANT ATTORNEY GENERAL, ACCOMPANIED BY RON GAINER, DEPUTY ASSISTANT ATTORNEY GENERAL AND PAUL NEJELSKI, DEPUTY ASSISTANT ATTORNEY GENERAL

Mr. MEADOR. Thank you, Mr. Chairman.

We are delighted to have this opportunity to come here to talk with the subcommittee about the makeup of the Office and our work.

This subcommittee is obviously a key entity with which we will be working very closely—collaboratively, I hope. I hope you will look on our Office as one of your sources of aids and help as you go along on the Federal court problems especially.

I am delighted to have here on my flanks the two Deputies you introduced.

I would like briefly to give the committee an overview of the work of the Office. That is, something of an outline or a projection of what lies ahead of us.

Please feel free to interrupt me at any time with questions. I can expand on what I am saying.

Absent any questions, I will proceed with an overview and then perhaps the committee members might want to come back to particular subjects.

Mr. KASTENMEIER. For purposes of the record, would you care to identify the testimony or statement that you desire to be made part of the record?

I do have before me something noted as testimony and something later noted as a statement. Is it the statement that you care to have part of the record?

Mr. MEADOR. Yes, sir. The document is labeled "Testimony" and is dated April 21, 1977. It is a written statement that we have submitted in advance and I would like to request that it be entered into the record.

Mr. KASTENMEIER. Without objection that will be received as part of the record.

Mr. MEADOR. Thank you, sir. This Office was created by Attorney General Bell by an order of February 3, 1977. There is a copy of that order attached to the testimony and will appear in the record along with that document. As you can see from that order, the Office has a very broad mandate to deal with problems concerning the administration of justice.

This Office replaces the former Office of Policy and Planning which had been in existence for a couple of years working primarily on criminal justice matters. We will carry forward many of the projects they were working on and will develop new proposals in the criminal area.

However, there is a key difference in the new Office in that we have a much broader mandate. We are charged with working all across the justice system in both civil and criminal matters with particular emphasis on the judiciary, its structure, organization, personnel, and processes, in a very broad way.

We will give priority attention to that although there are a number of substantive matters which we will be concerned with also. This Office does represent a new mission for the executive branch of Government. As the chairman has pointed out, there has heretofore been no systematic, continuous mechanism within the executive branch to address problems of the judiciary and related processes, particularly from the standpoint of the public.

We will also give support to the courts themselves. The courts lack effective mechanisms for presenting their needs to the public and to Congress. To some extent we hope to be a spokesman for the needs of the courts here and with the public.

We have been developing in recent weeks an agenda for our future action. We are trying to develop a comprehensive program for the next couple of years for the improvements in the administration of justice in the United States.

I would like to touch just briefly on the highlights of that program as we presently conceive it. Our work will fall under several headings. First, we have what might be called broadly the problems of access to justice. That has become of increasing concern, we think, to the American people as well as those people who are involved already in the justice system.

Access is impeded by a variety of factors these days. There is an increasing realization that courts are not always the best mechanisms to resolve disputes, and yet disputes keep coming to the courts. We hope to develop alternatives to the courts that will provide a better access to justice. It's our conception that a court is not necessarily the best forum for all sorts of disputes. There may be other mechanisms that can be developed which would be more convenient, less expensive,

more expeditions. We don't know what all of these are at the moment. We have had only a brief time in this office. We know problems, but don't have answers yet to all those problems. That goes for virtually everything I will say today.

I can give one illustration of an alternative mechanism we are already at work on. That is the concept of the neighborhood justice center. Our Office is attempting now to design a model for a neighborhood justice center. This is to be an entity located—especially to begin with—in high density urban areas, areas of high density population, in which a person can go with the kind of everyday nagging dispute that bothers a lot of our people. Fusses between neighbors. Disputes by a customer with a local merchant or a dispute between a tenant and landlord. In this array of everyday nagging problems, we hope to develop mechanisms to work those out locally without resort to a court.

Once we have a model design, our plan is to use LEAA funding to set up several of these centers in a number of cities across the country. We will monitor those, carefully evaluate their performances, adjust, do some fine tuning as experience shows where the strengths and weaknesses of this scheme lie. If we can develop a working arrangement, we would hope to expand them to more cities across the country.

Another alternative that comes to mind is of compulsory arbitration. We are looking into that now. Where that will take us, we don't know.

Another large area in which we will be working has to do with the structures of the courts themselves. Where a court is an appropriate forum or the best means of resolving a matter, we need to structure the courts in a way that will allow access readily and will provide a process that is effective.

We don't have a system at present that does that very well. We will be working on various arrangements for altering jurisdiction of courts, altering the structures of courts, and their internal processes.

On the courts problem, there has long been recognized a difficulty in coordinating court problems with problems of other branches of the Government. We have a separation of powers doctrine in this country that, while it serves salutary purposes, also impedes effective arrangements sometimes.

We will try to work within that doctrine but will devise some mechanism to bring together the executive, legislative, and judiciary branches in a different way.

We have the internal processes and procedures of the courts to work with, both civil and criminal. Many of the salutary forms of 1938 embodied in the rules of civil procedure have become part of the problem today. One thinks immediately of discovery. That has gotten out of hand, by many views. It's too involved, costly, protracted. The Judicial Conference of the United States is addressing that problem, as well as many others. We hope to address it also, to work with them as well as this committee and any other interested bodies in trying to remedy that problem. We need to preserve the openness of litigation, the disclosure, and yet to avoid the present difficulties that discovery generates. Procedures in class actions also need attention. The Judicial Conference is addressing that. We will also be addressing that and again working with them and other groups to try to improve that rather cumbersome process in many situations.

On the substantive side, we have the long-standing project on revision of the Federal Criminal Code. Mr. Gainer here, as you may know, has long worked on that and he is now carrying a leading role for the Department of Justice in that ongoing work. He is the chairman of the departmental task force on revision of the Federal Criminal Code. We hope to make some headway on that in this session of Congress.

We have such other substantive matters as handguns, the long-standing problem, still alive. Sentencing reform. Possibilities of no fault legislation of some kind. Victim compensation for crime. Bills dealing with jurors and witnesses. And a lot of other possibilities there.

A very important new program we hope will get underway before the year is out is the Federal Justice Research Fund. The hope is, the expectation is, that Congress will provide that fund in the new budget, estimated now to be something like $2 million annually. The research fund will give the Department of Justice for the first time some research money of its own to focus on Federal justice problems. As you know, LEAA has long had many millions of dollars annually for research but because of its charter that money has been directed primarily, if not exclusively, to State problems and to criminal problems. The Federal Justice Fund can be devoted to Federal justice problems and not restricted to criminal matters.

The fund will be spent on research all across the spectrum of justice system problems, civil and criminal. It's a responsibility of this Office to administer that fund. We are planning now for it, looking forward to its becoming available October 1. We have a big job between now and then to identify the subjects for research and the researchers. The contemplation is the research will be contracted out in the main. Some will be in-house.

In administering that fund, as in all our activities, we are action oriented. There is obviously, a lot of thought required here on these proposals we will be working on. A good deal of study. Reflection. Consulting of many people. Everything we do we want directed toward some positive concrete step that can improve the system.

In other words, we are not a pure think tank. Our mission is not to write papers which will be passed around and put in the files. We are aimed toward concrete steps, action that will improve the system, and soon. That is our objective.

We realize that we are really no more than a proposing body. Much of what we propose will remain for the Congress to consider and act upon. Some of what we propose will go to the Judicial Conference of the United States. Some matters will be internal within the Justice Department, where we have more of a handle on the situation.

But in any event, we do want to devise proposals which, if implemented—and we hope they will be—will work discernible substantial improvements in the system and therefore make justice more available, more accessible for all the American people.

With that, Mr. Chairman, perhaps the committee members might want to ask questions on various aspects of our work.

Mr. KASTENMEIER. Thank you, Mr. Meador, for that brief, but still complete, explanation of the goals and purposes of the new Office that you presently head.

As regards the judicial branch of Government and the numerous interests of that branch, such as increased benefits for judges, what will

be your relationship with the Judicial Conference and the Chief Justice's Office, which traditionally have given top priority to such concerns?

Mr. MEADOR. The Judicial Conference is a very important agency in the administration of the Federal judiciary.

As you know, they have rulemaking power. They also develop proposed legislation relating to the Federal judiciary.

That is obviously a very important entity with which we will work.

I have already had conversations, and the Attorney General himself has also, with the Chief Justice, with the Director of the Administrative Office of U.S. Courts, with the Director of the Federal Judicial Center, and other persons who are involved intimately in the work of the Judicial Conference.

They are well aware of our concerns, our mission. They welcome it. We hope to work with them collaboratively.

If we develop proposals for rule changes, we will submit them to the Judicial Conference and urge that they be adopted.

If we develop legislation, it will be collaboratively with them, we hope.

Incidentally, I might say here, on all significant proposals, we hope to work along the way by consulting everybody who has an interest. I can describe that process this way, briefly.

When we decide upon a project we want to undertake, our first step will be to identify everyone who has some possible interest in that subject. That is, institutions outside of Government, private organizations and groups, governmental agencies, various divisions and offices wihtin the Department of Justice, as well as congressional committees.

We want to inform them we are embarking upon the project with a general identification of our present line of thinking.

We invite their ideas, their comments, suggestions. We take those into account as we work along developing proposals. Then, at a later stage, as we begin to get our ideas better in focus and perhaps have a tentative draft of something, we circulate that to all these interested groups and people and invite further comment. Those seriously interested, who have something to offer, we invite in to meet with us to talk about it at greater length. From that we develop a final version of the proposal.

We have followed that process in developing proposed legislation on U.S. magistrates which is still under consideration. We went through that kind of a process, contacting many outside groups, meeting with them, and so on. We hope to do that with the Judicial Conference and all its committee chairman and people. They know this and are agreeable to it, and I think we will work very well with them.

Mr. KASTENMEIER. I say this because in many areas, understandably, the judicial branch will have a quite different point of view than the Justice Department. As Mr. Gainer well knows, for example, the Justice Department could be disposed to support a new total revision of the Federal Criminal Code, and yet the Chief Justice and other members of the judiciary would regard that with great abhorrence as having a negative judicial impact.

Furthermore, the judicial branch is clearly disposed to want to handle matters that affect themselves. For example, statutory reform in the areas of judicial discipline and disqualification, while supported by the ABA and others, was nonetheless opposed by the judiciary.

So there are a number of areas in which, while you seek to work collaboratively with them, well presumably—and hopefully—bring rise to different points of view.

Mr. MEADOR. I am aware of that. While we do hope to work collaboratively on many matters, I recognize there will be matters on which we are not together.

That I view though as one of the strengths and salutary features of this Office. It offers another point of view, a point of view from outside the judiciary and a point of view different also from that of Congress.

I think all this is very healthy. We can bring to bear perceptions from the standpoint of the executive or the public external to the judiciary itself.

On those matters where we end up with a different view insofar as legislation is required, it would be up to Congress to make its decision. It may have still a third view of the matter. We recognize that, but think this is all to the good to develop different perspectives and have different inputs to the decisional process on what is best for the judiciary in relation to the public needs of the country.

Mr. KASTENMEIER. I certainly agree with that statement.

Mr. MEADOR. May I ask Mr. Nejelski to say something on that point?

Mr. NEJELSKI. If I might a point brought home to me in the position I held before as the deputy court administrator in Connecticut, it is often difficult for judges to speak out on issues on which they may have to pass either as interpreting statutes or passing on constitutionality of legislation. I remember we had the problem where Connecticut needed an intermediate court of appeals and the problem came whether that could be done by statute or would we need a constitutional amendment.

You can understand the judges were reluctant to speak out on this question, because they would have to turn around and pass on the constitutionality of the statute.

It would have been very useful to make a study, weigh the issues if policy is needed to be a spokesperson for that without having the judges go in and lobby, which can be unseemly on many kinds of questions, as well as difficult institutionally.

Mr. KASTENMEIER. One of the most vexatious questions facing this subcommittee, is judicial discipline and judicial tenure. Judicial discipline is particularly important to us because the Congress has powers of impeachment. Understandably, however, this power is rarely employed. At the same time, the judicial branch itself, and the bar, find it extremely difficult to effectively confront this problem.

I am wondering whether these subjects, judicial tenure and judicial discipline, are of concern to you and whether you will propose legislative solutions to these vexatious problems.

Mr. MEADOR. Yes, sir. That is on our tentative agenda. I don't know where it will come in priority. We haven't fixed firm priorities yet, except in a few situations, such as neighborhood justice centers. But we will address that, I think.

How we will come out or what we will do with it, we haven't yet decided upon. I certainly consider that very much within our range of interest, and it is on our list of subjects to be dealt with.

Mr. KASTENMEIER. At this point, I would like to yield to my colleagues.

The gentleman from Illinois.

Mr. RAILSBACK. Thank you, Mr. Chairman.

I am glad to see Mr. Meador in Washington, just as I was glad to see him in New Orleans.

Let me just kind of express agreement with what our chairman of the subcommittee said and also with what I think was the thrust of your remarks, which was that sometimes the judiciary is not in a position to advocate certain things that others may feel there is really a strong need for.

I have made, as I listened to your testimony, I made a little list of things that I thought would be of major help to us, and I think would be right up your alley, as far as interest.

One thing that I didn't mention was the legislation to abolish diversity of citizenship. Was that in your statement?

I may have missed that.

Mr. MEADOR. I didn't specifically mention that, but that is on our agenda. We do intend to address that and, indeed, have already done some work on that.

Mr. RAILSBACK. Great. As you know, the American Law Institute, after a 10-year study, recommended strongly that that be done.

Another thing that has been under consideration—I am not sure how I feel about it—is a court of appeals. A new court of appeals. You did mention expanding the magistrate jurisdiction.

I feel certain you will get some support in doing that. I also heard the Attorney General mention his interest in expanding the magistrate jurisdiction. Then the chairman mentioned the need to provide perhaps more uniformity in sentencing. I just want to express my own feeling.

After looking at the results in different jurisdictions, as far as robbery sentencing, for instance, we find there is just a tremendous disparity between different Federal court jurisdictions.

In other words, I think it was in my own northeastern district of Illinois, the average length of sentence for armed robbery is something like 5½ years. Do you know, in one of the districts in Georgia, for instance, it is 17 years? I am not sure which it should be, but I think without a doubt we ought to set up some kind of mechanism or review tribunal, something to improve the equality and fairness of our sentencing.

Then I get here, the chairman mentioned, and you mentioned, in your statement, the need to do something about—I will refer to it as setting up some kind of disability review mechanisms. In other words, as far as the courts are concerned, I fully believe that you can't expect a judiciary to really set up an internal mechanism that will really do the job about removing judges that may need to be removed.

I would even personally favor doing something about having a mandatory requirement, but you get into all kinds of constitutional problems, whether we are taking constitutional amendments, but it bothers me that we have some judges that are able to cope, but probably some others that should be retired.

Another thing that occurs to me—and I wonder if you are interested in this—when you look at the criminal justice system, we recently enacted the so-called Speedy Trial Act. That Speedy Trial Act has apparently resulted in kind of crowding the docket with the criminal

cases, and then kind of moving back the civil docket as far as time during which they can be brought to trial.

I think somebody could perform—I would like to help, I think Congress would like to help—a real service by coming up with any recommendations that you think would do a better job in bringing people to trial in a more expeditious manner, but at the same time without really displaying the other cases that may be very important to the civil litigants. I am not sure whether the answer is more judges or whether the answer is some other kind of assistance for the courts.

But I am convinced that in the criminal justice system, there are too many guilty people going free by reason of dilatory tactics and delays.

I don't know the answer.

I hope maybe that is something you can address. I fully appreciate the thrust of your statement, and I think that you are going to get a lot of support in your recommendations from this committee, the subcommittee.

Mr. MEADOR. Thank you, sir.

I am glad you listed all of these items. All of them are on our list of things to work on, with perhaps varying priorities. But they certainly are there and we are concerned with them as you are and the Attorney General is personally, I know.

One of them has been worked on a good while in the former Office of Policy and Planning. That work is continuing. That is on the matter of sentencing.

I might ask Mr. Gainer here to say a few words about what is going on in our Office and where we are going with it. He has been involved with that for sometime.

Mr. GAINER. As you are familiar, there has been a great change in emphasis in the academic literature as to the appropriate philosophy of sentencing and incarceration and other alternatives to incarceration in the past few years.

There has also been an increased realization that even in our sacrosanct Federal system we do have unwarranted disparities in sentences, not only between different Federal districts but in the same district, depending upon the judge involved.

I think a study that highlighted that was that performed in the second district where we found that one district court judge in a test case would impose roughly 10 times what one of his colleagues would impose in terms of a term of years for a bank robbery. This was enlightening. It was shocking. There is a great deal that needs to be done.

Mr. RAILSBACK. That is shocking.

Mr. GAINER. We have, to a certain extent, a system that has to take cognizance of the fact that there is too much chance involved. There is too much chance involved as to when an investigation will be done, as to when a prosecution will be brought to the trial stage, as to the sentence that ultimately will be imposed upon a finding of guilt.

The Department is undertaking to review what it can do in the two areas where it has some direct control. This is the area of investigative discretion and prosecution discretion.

We are also looking into the judicial area in sentencing.

Our Federal system probably operates more fairly and effectively by and large than many State systems in this area.

Yet, there is a need to recognize there is unfortunate disparity, that it has an effect upon the prison population that is beneficial neither to the individuals involved nor the criminal justice system, and that the whole area of sentencing and parole probably, in light of recent studies and revelations, warrants a whole new examination. We are in the process, among many others, as you know, of trying to undertake a review as to what alternatives might make sense.

Mr. RAILSBACK. Including, I might add, even your studies of the indeterminate sentencing, which at one time was felt to be a compassionate panacea, and when we made some of our prison visits we find that indeterminate sentencing has actually been a source of arbitrariness, frustration on the part of the people that in some cases maybe have been victimized by it.

Mr. GAINER. I think that is entirely true. To a certain extent the problem has been somewhat alleviated by the adoption of a parole guideline system, which was given legislative encouragement by this committee in the passage of the Parole Act last year.

But still, there is only so much that one can do after the fact. One looks that among the salient factors considered by the Parole Commission, all but one were known at the time of sentencing, the question arises why couldn't a determinative sentence have been imposed at the time by the judge in sentencing?

Mr. KASTENMEIER. The gentleman from Massachusetts?

Mr. DRINAN. Thank you, Mr. Chairman.

Thank you, Mr. Meador, and your colleagues.

I was interested to note that you have, as you put it, inherited 12 lawyers and 7 social scientists from the old Office of Policy and Planning.

I want to raise the question that is basic to the whole thing about the new policy that you want to initiate. In all candor, I never found very much progressive about that old office and these 12 lawyers and 7 social scientists are still around. You say you inherited them. I take it you can't let them go.

But they went for S. 1 and didn't go for an omnibus crime bill that Mr. Kastenmeier filed, and that I cosponsored, that was a very progressive piece of legislation.

I hope that you will look at it. I hope you would endorse it.

The old office never gave us a bit of help on handgun legislation. They presumably favored the bill filed by Mr. Levi and others that would allow electronic surveillance in national security cases with a court order, a bill which in my judgment was a new departure.

Will you continue the same way or do you have substantially difference approaches?

Mr. MEADOR. Obviously, I am limited in what I can say about what the old office did. I wasn't there. I am not well-informed about all of that.

I can speak about now and hereafter. First, let me say that it may be that some persons who are in the old office will have different assignments within the Department of Justice. I don't know that yet. There is a lot of movement around within the Department now. People are being reassigned. Some reorganization efforts are on the way.

Apart from that, and whether or not that happens, the personnel in the Office don't really fix basic policy. That is, those staff lawyers and social scientists do not. They work along lines and direction and policies determined ultimately by the Attorney General or by the Attorney General working cooperatively with me and my two deputies here. We are employing some new people. I think I indicated——

Mr. DRINAN. There are only three or five.

Mr. MEADOR. Three already. We hope to get a couple more soon. Maybe a few more later. I am not concerned about policy positions the old office might have taken because we will fix our own hereafter in accordance with the thinking of the President and the Attorney General and myself.

Now, perhaps you are asking what those positions might be?

Mr. DRINAN. Yes, I am.

Without wanting to speak to them? How about Mr. Kastenmeier's bill, the omnibus crime bill? The best bill, taking everything ALI said, this was the companion or the opposition, so to speak, to S. 1.

Mr. GAINER. Professor Meador was not in the Office of the old Policy and Planning. I was.

Mr. DRINAN. He is the boss now.

I am asking him to put himself on the line. I want action. I am tired and weary over all the obstruction of the good plans we had by the old office.

Mr. MEADOR. Let me say a word, by way of introducing Mr. Gainer's comment.

This Office doesn't want to obstruct any good plans. We are trying to be supportive of good plans, many of which have been on the shelf and pending for a long time, as well as develop new ones.

I would like to ask Mr. Gainer if he could address the question of the criminal code revision here. He is intimately involved in that now.

Mr. DRINAN. He is the former head of it. He did his best to push S. 1 according to the instructions he had. That was his job. I want to know if this is a new day.

Mr. MEADOR. I think you will find that.

I would like him to address that.

Mr. GAINER. What you have seen is only the end products of research done. In the handgun area, we had proposed over two dozen separate kinds of approaches from total abolition down to minor tinkering with the 1968 act. A few items were selected and put in a package that was sent forward.

The role of the Office generally was to conduct the research, make evaluations as to what might make sense, what would help in one fashion, what would help in another, and develop alternative proposals that could seek to obtain some good in one area, some good in other areas in which we were attempting to work. On the Federal Criminal Code, probably the first individual I had heard speak in public about a sensible solution to the problems that were arising was the chairman of this subcommittee when he, slightly over 2 years ago, in discussing with Chairman Rodino the course of action for the then coming 2 years, he had suggested severing out all of the controversial provisions from the code, trying to enact the possible and achieve the great progressive benefits that lie really in the superstructure itself.

Our Office worked on a variety of alternatives to many of the controversial proposals and spent a great deal of time working on technical matters also.

There are many others working on the process, of course.

The old bill was not supported in total by the administration by any means.

But that work is continuing. There are still many alternatives to be considered in a variety of areas.

What the role of the Office is to do, as best we can, point out what those alternatives are, some of the implications, and try to work with those interested in the subject matter to see if we can't come to some sort of resolution.

Mr. DRINAN. Mr. Meador said this is a new day.

I listened very intently to you. I don't hear any evidence that it is a new day.

If you did your best to make S. 1 happen, I want a new day. I want evidence that there is a new day. I haven't heard it yet this morning. I want a whole new approach to criminal justice, if that is what you mean by a new day.

What will change?

Mr. MEADOR. There is a bill being worked on now collaboratively by Mr. Gainer's task force which is a departmentalwide task force. Actually, the work on the criminal code revision is more of a departmental enterprise than an enterprise of my particular office. People from other divisions work on a task force chaired by Mr. Gainer. They are working with staffs of senators, and I believe Mr. Rodino also.

Mr. DRINAN. Could you just give some indication of the difference between what is now underway and S. 1?

Mr. GAINER. What is now underway is an effort to take the noncontroversial portions, the portions that were in all of the older bills introduced which were either similar or identical, see if those can't be passed as a new road with the truly controversial provisions severed, making improvements where it's possible.

Mr. DRINAN. The noncontroversial parts are the regressive parts. What are the controversial parts that you will drop? We're beginning to get down to something here. What will you drop?

Mr. GAINER. Specifically, what is being contemplated now is the elimination of any reference to a death penalty in the bill.

Mr. DRINAN. That's one. Next?

Mr. GAINER. In the area of marihuana, the current tentative draft decriminalizes simple possession of small amounts of marihuana. And also drops the penalty for simple possession of large amounts to a maximum of 30 days. There is a complete elimination of the sole constitutional vestige of the Smith Act that is eliminated from the Code entirely.

Mr. DRINAN. Beautiful. Four.

Mr. GAINER. There is attempt to go to a sentencing guideline system and obtain fundamental reform there.

Mr. DRINAN. Whose reform?

Mr. GAINER. There are a variety called presumptive sentences, benchmarks.

Mr. DRINAN. I know all about it. How will it come out on the bottom line?

Mr. GAINER. As it currently stands, there would be a sentencing commission that would provide social scientists, criminologists, lawyers and others to cull the best thing of the other, determine what factors seem to make sense in assessing appropriate sentences for a said Federal offense. Each Federal offense would be broken down so characteristics and mitigating factors would be considered.

Mr. DRINAN. Is that in the present Kennedy bill?

Mr. GAINER. It's in the present Kennedy-McClellan bill tentative draft. There is a public review of sentences also.

Mr. DRINAN. I'm familiar with that. I want to get back to handguns.

Mr. GAINER. There is nothing on handguns in that——

Mr. DRINAN. I know what you——

Mr. BUTLER. Have we finished?

Mr. DRINAN. I don't want to harass him too much.

Mr. KASTENMEIER. Let me ask my friend from Massachusetts to yield.

Of course, the members of this subcommittee are interested in that subject, both personally and as subcommittee members. However, in fact, it is the Subcommittee on Criminal Justice that has prime responsibility over revision of the Federal criminal code. I mention this because I am not sure that every member of this subcommittee is aware of that. The Criminal Justice Subcommittee met at least twice in open session with a number of people, including myself and Mr. Gainer, who were interested in what might be done in regard to criminal code revision.

Mr. MEADOR. I might add there that I and Mr. Gainer have met informally with Congressman Mann, chairman of that subcommittee, and others members of the subcommittee to discuss generally the work of this office and the criminal code reform. So we have met with them. You're quite right in saying they have the primary jurisdiction over that.

Mr. DRINAN. I am just a nonchairman. No one ever talks to me. Even staff doesn't talk to me. I am just asking simple things. Let me get back to something in this committee, though.

On the matters that we have as far as the U.S. courts are concerned, would you spell out—this I think is in our jurisdiction—what proposals you will have on jurors and witnesses and a new schedule of fees and so on.

Mr. MEADOR. I will ask Mr. Gainer to speak to that because he was involved in work on that previously.

Mr. GAINER. There is a general exploration of the problems of the innocent persons dragged into the Federal criminal justice system. The victims, witnesses, jurors. Exploration is being given to the adequacies of current fees and the adequacies of the explanation given witnesses and jurors. as to the process they will be subjected to, reducing the amount of time that is wasted on this part, exploration of compensating the victims of Federal crimes and the possibility of exploration compensation through Federal funding of victims of State crimes, a general package of possibilities to try to alleviate the difficulties by innocent victims who come into the system.

Mr. DRINAN. Will you have any proposals for giving counsel fees to the prevailing party in cases involving environment? As you know, this subcommittee put out legislation which became law giving counsel fees to the prevailing party in civil rights cases. Will you propose something that goes beyond that so in public interest matters and environmental matters and so on there will be counsel fees to the prevailing party?

Mr. MEADOR. The problem with counsel fees, as we see it, is part of a larger problem, all of which we hope to address. We have no positions at the moment. The larger problem really has to do with the economics of litigation, allocating cost, counsel fees, court cost, the whole expense involved in litigation. That is on our agenda. We have no position at the moment except we realize it's a problem, it needs attention. The general thrust will be to try to devise more rational, fairer, better ways of allocating costs and placing them on appropriate parties. Different cases may call for different treatments.

Mr. DRINAN. It's a simple problem. The Supreme Court said absent a statute, the Federal courts could not give counsel fees in environmental cases. We overturned that decision in civil rights matters. I can't see any argument against it.

Mr. MEADOR. We don't have any argument against it.

Mr. DRINAN. Why don't you push it and give us help?

Mr. MEADOR. We intend to.

Mr. DRINAN Thank you. That's what I wanted. I am sure my 5 minutes have expired. Thank you.

Mr. KASTENMEIER. Before I yield to the gentleman from Virginia, I would like to comment generally on S. 1. I was not critical of my colleagues' inquiries because we, as members of both the Subcommittee on Courts, Civil Liberties and the Administration of Justice and the full Judiciary Committee, are all interested in the proposed criminal code revision. We all recognize, irrespective of philosophical point and personal point of view, that realization of a comprehensive revision of the Federal Criminal Code is an enormous task. To insure that the revision is fair and equitable, and does not unduly deviate from existing law, and to make it politically realizable in Congress, will be a feat of immeasurable proportion.

All of us who work here understand that. We realize that the Mann subcommittee will have very difficult problems. But all this should not disguise our mutual goal, which is to see that something is enacted and that we succeed in this area.

Having said that, I would now like to move to Mr. Butler.

Mr. BUTLER. Thank you, Mr. Chairman

I have not been impatiently waiting. It has been very instructive to me. I am new to this subcommittee so I am interested in what you're doing. I would like to point out what you're perfectly aware of, that Mr. Meador comes to us from the University of Virginia, where he was very highly regarded. That ought to be credential enough in itself. It is with me.

My friends there speak very highly of him. We are indeed pleased that he has made himself available for this responsibility. If there is any problem I will function as interpreter if you have difficulty in that regard. [Laughter.]

Likewise, I can learn to read my friend from Massachusetts well if you have difficulty with him, so I will function in that regard. [Laughter.]

I would like to say that I am always a little bit apprehensive when we bring a man from academia to the Justice Department. I have a feeling you are sort of going from one ivory tower to another. [Laughter.]

And it will be—I hope you keep in touch with reality there. Please don't try to understand the Department of Justice and don't waste time reading all those guidelines but get back to the area in which you are fairly knowledgeable, and that is the courts. I think you will find this a very sympathetic and anxious to help the subcommittee. I am a little bit disappointed in what you had to say here. If you go through all the circulation processes that you mentioned and if you have all the areas of interest that you mentioned, you will never complete anything and we will never see you here again. That would be a source of great disappointment to me.

So I would like to find out at the moment what really is your top priority with reference to your division. Where are you going to move first and when will we hear from you primarily—when can we expect to hear next from you?

Mr. MEADOR. You are concerned we may go away and never be heard from again, because we have so much to do.

Mr. BUTLER. It has been my experience with your department in the past. But it is a new day, as they say.

Mr. MEADOR. I appreciate you alerting me to that concern. I share some of it. We have an ambitious agenda. My hunch is that we might not comprehensively get to all of it. The problem of priorities is important.

First, let me say as far as the circulation process, which I mentioned earlier, that is cumbersome, but I think it is very important. It need not take a long time.

We developed the magistrates' bill with a circulation progress of that kind within about 6 to 7 weeks.

Granted, that was faster than I would like to go.

I would like more time to think about matters and to have people brought in on it, than we had in that case. But it can be done. But we can only do so many things and can't do everything at once.

We have not firmly fixed all priorities. However, an immediate priority is the neighborhood justice center concept. We hope to develop that within the next few weeks, get the funding arranged and try to have some of those centers in operation, say, roughly, by the end of the summer or very early fall.

Another priority for immediate study and attention is class action procedures. We have people at work on that now and hope to move along with that.

As I indicated, the Judicial Conference is at work on that and that is a major interest of theirs, so we will have to see how we work out with them.

Beyond that, we have not fixed other priorities. I would think, speaking generally, the priorities lie around the area of trying to develop alternatives to the courts—other sorts of mechanisms to handle certain

kinds of disputes, trying to identify what sort of matters could be handled better somewhere else.

Another high priority will deal with court processes. Pretrial procedures in civil cases, for example, are likely to get a high priority.

We have already given a priority to the magistrate bill. Beyond that, I am reluctant to be specific on priorities, because we simply have not yet arrived at them.

We are working on that now, and I am hoping within another week or two, we will have a more precise list of priorities, so we can move ahead on all fronts that we will move on right now.

Mr. BUTLER. I thank you for that answer. I feel that the priorities you have selected are representative of the direction in which you will go, and I think maybe you have enough for awhile.

Mr. MEADOR. May I ask Mr. Nejelski to address a word to that?

Mr. NEJELSKI. It is important to note we have been working very closely with other groups in this field, like the American Bar Association, American Bar Foundation, Federal Judicial Center, National Center for State Courts.

We don't intend to start from ground zero on these questions.

There has been a lot of work done very often. Sometimes we will have to go out and collect data on some of the newer issues.

Mr. BUTLER. I had the distinct impression that your function may be just tying together a whole lot of information that was floating around.

Mr. MEADOR. That would be true on a number of topics.

Mr. BUTLER. I would like for you to strike soon and take a firm position with reference to the diversity problem. That groundwork and research has been done on that and this subcommittee is interested in it, and there is legislation here to move along the ALI recommendation. I would be hopeful you would move that.

Mr. MEADOR. I agree with that. That is a subject, and there will be subjects like it, on which a great deal of work was already done.

Almost everything that can be said on any side of it, has been said. What is left is simply a matter of taking a position and moving. We plan to do that. That is in the mill right now. We had work done on it already in the office.

The Attorney General and I have discussed it. We are aware of it. I think we will be taking a position very soon on that. For whatever that is worth to Congress.

But I hope Congress will move on that subject myself, and we will have a view to submit shortly.

Mr. BUTLER. One other area—I am pleased with that—that I would like.

I would like the prestige of your Department to support legislative requirements as to a judicial impact statement on legislation. You have mentioned that briefly, as you went by, but here again, I don't think there is a whole lot of work that needs to be done in putting that together, but the prestige of your—along with what the Chief Justice had to say—would be helpful in getting this sort of policy developed by the Congress.

I would like to urge you to do that.

Mr. MEADOR. We have discussed this. This is very much on our minds.

What is happening now and what has happened up to now, is that we have had discussions with the Office of Legislative Affairs in the Department of Justice. Our Office and that Office have also had dis-

cussions with the Federal Judicial Center which has an interest in this and is exploring the possibility of drawing on the National Science Foundation to help develop a methodology for judicial impact statements.

That, however, is a long-range undertaking. What we are trying to do right now more quickly is to develop, experimentally, at least, some technique within the Department of Justice of devising an impact statement. A system of predicting impact on the courts of legislation. At the movement the Office of Legislative Affairs is carrying primary responsibility for that, but we are working with them. My hope is that within a short while, a matter of a few weeks, perhaps, we will have something that we can move ahead and at least try on that subject.

Mr. RAILSBACK. Would you yield?

Sometime ago, the chairman and I had breakfast with the Chief Justice. As I recall, he mentioned the need for some kind of judicial impact assessment. And I think, as I reflect and think of the Speedy Trial Act, perhaps if we had a better assessment of what its effect or impact would have been on our courts, we could have done something in addition to simply legislating a so-called speedy trial.

I can't help but think it would be a very valuable thing. But I also recognize the need to go slow on it.

In other words, I think that what you are doing is probably the proper course to take. But I do think the gentleman raised a question about what you are interested in.

Mr. MEADOR. That is something that is fairly high priority right now. We will not neglect that. We will at least start experimentally devising impact statements.

It is not as easy as it may seem on its face to predict the impact of legislation on the judiciary. All legislation may, in some sense, indirectly, at least, affect the courts.

How to gage what that impact will be is what we are trying to get a focus on now.

Mr. KASTENMEIER. Would you yield on that point? I think it is reasonable to reach an understanding about examining the impact that any potential legislation will have on the judiciary. I do not know that we would want to go as far as having some sort of statutory requirement, such as in the area of environmental impact statements.

Rather, if the Congress and perhaps the Department of Justice and the Judicial Conference could informally agree that such a question could be asked and addressed when we discuss legislation, that might be adequate. In this regard, no statutory language or binding rules would be involved.

Mr. MEADOR. That is our present thinking. We are not, at the moment, working toward a statute, but toward devising a system inside the Justice Department for rendering judicial impact statements, beginning with a few bills or a selected range of measures to see how it can be done, what are the problems about doing it, methodology and all that.

This is experimental. It may be there would come a time when somebody would want a statute, but at the moment we are not thinking of one, but simply a technique to help Congress.

Mr. BUTLER. And hopefully the court system.

Mr. MEADOR. Right.

Mr. BUTLER. One more question, if I may, Mr. Chairman.

Another area of my concern, because I am from another subcommittee on which the gentleman from Massachusetts and I sit, is dealing with the revisions of the Federal bankruptcy legislation. I chatted with you informally about that this morning. But I would urge you to give some kind of priority to this legislation since I understand there are differing views arising, both with the Chief Justice and the Judicial Conference, which we have informally notified, and your Justice Department. The legislation before us, after 5 years of active consideration, now recommends a series of article 3 courts for bankruptcy judges, elevating the status of the judges to a level which those of us on the subcommittee think is pretty well indicated.

But if there is going to be opposition to this, if there is going to be objection to this, we would appreciate very much if you would review carefully your reasons for it, and your alternative plan for meeting this problem of the bankruptcy legislation. The stepchild status that it has in the minds of the judiciary and indeed the lawyers does not measure up to the value that it has in the minds of the American citizen and consumer, and it's just a big part of our judicial process and I hope you would keep that in mind and consider it very carefully because I would hate to have the confrontation over this question arise after the subcommittee has completed its deliberations.

Mr. MEADOR. As you know, this Office so far has not had any real involvement with that bill. That was already pretty well done before this Office was created. The Justice Department has submitted a letter, as you probably know, raising a number of questions about various provisions in the bill and most seriously about the creation of a separate set of article III courts. I will try to give that some additional attention to see what we might be able to offer further.

Mr. KASTENMEIER. If the gentleman has concluded, the gentleman from Virginia has anticipated a question that I was going to ask in this regard. We are in the process of creating approximately 120 new Federal judgeships; we are also creating a number of specialized bankruptcy courts, and we are going to be asked to create magistrates' courts to have specialized jurisdiction in social security or any other types of cases that the Federal judges no longer care to accept if they have their way. All of this brings rise to important questions about judicial reorganization and about our traditional conceptual approach to what courts are, and what responsibilities they have. I think that a broad conceptual frame of reference to court reform ought to be formulated. Without such a global approach, a reform like creating article III courts out of bankruptcy courts, might open a Pandora's box. I am not sure where we might be able to stop rationally.

I have no particular problem with creating bankruptcy courts other than where to place this reform in the broad conceptual frame of judicial reorganization generally.

Mr. MEADOR. That puts the finger on one of the central concerns the Justice Department has about this proposal, and I might say I personally share that. I am not in a position to speak for the Department in all respects of that bill, but I personally think this is one of the disturbing features of it. It does create a separate set of trial courts, a

specialized trial court. Much of the modern thinking about judicial organization and structure is in the direction of a unified court system.

Our proposals that we are developing on magistrates adhere to that concept. The magistrate is a subordinate judicial officer in the U.S. district court. The magistrate is not a separate court, and our proposal keeps him as a subordinate judicial officer within the unified district court structure.

An alternative to the present bill would be to retain the bankruptcy function in that framework. A possibility which I am not prepared to endorse at the moment, but has been suggested by some is simply to create a single subordinate judicial officer in the U.S. district court, call him a magistrate and give him a variety of functions, one of which might be bankruptcy referee functions assigned as the ebb and flow of business may require. Some magistrates might be strictly bankruptcy experts, some might have an interchangeable quality about them. A disturbing feature of the pending proposal is that it severs off and creates a separate set of courts. article III courts.

Mr. KASTENMEIER. In view of the hour, and the fact that the questions we could ask would be endless, I hope we can either by letter or by other means, continue our dialog and communication on specific pieces of legislation as they occur and also on other matters of mutual interest to your new office and to the subcommittee.

Mr. DRINAN. Could I ask one thing? I have been reading very carefully the regulations about this new office and it says the Office for Improvements in the Administration of Justice. But as I read the regulations, it's much more than that. I am wondering whether all legislation that is proposed by the Department of Justice will channel through this office.

Mr. MEADOR. No, sir. That is not the contemplation. There is some ambiguity around the edges of our function and where it overlaps with others, but much of this will be worked out as a practical matter. Our concern is centrally with the judiciary and its processes in closely related matters. Also, our concern has to do with many aspects of the criminal justice system, but there are many other offices in the Department of Justice that may be originating legislation, may be reviewing it, or commenting on it, without its coming through our office.

Mr. DRINAN. That's not fair to you people, frankly. Suppose they independently push something through and you find that this is a terrible source of congestion in the Federal courts. You have no input on improvement. Why shouldn't you people have the right to make a judicial impact statement on everything that is proposed?

Mr. MEADOR. I think we will have that opportunity. It will come through our office, maybe in a reviewing or commenting way. We will have an input. The Office of Legislative Affairs is supposed to exercise a vigorous coordinating role and be sure that our office gets brought in on anything it should be brought in on.

You put your finger on some possible confusion we will have to sort out with experience.

Mr. DRINAN. We are so used to confusion in the whole Department of Justice that we don't know who is doing what, and where the pressure is. I want to find out who is giving the bad ideas to various people. Up to now it has been impossible. With all due respect, I see continu-

ing confusion. You people are not in charge. I don't know who is in charge.

I am glad you came and I hope you regularly will be in touch with us if you want our input. It's not certain you do. That's your right. That's another department of Government.

Mr. MEADOR. We want your input and I hope you welcome ours and we can work together.

Mr. DRINAN. I am sorry I had to torture some input out of you. I would like regular reports. Maybe I have no right to request this, but I never hear from the Department of Justice. I don't know what they are planning. I happen to be a Democrat. This is a Democratic administration. I have heard nothing. Almost a hundred days have gone by. All I can say is I want a progressive program. I heard a few things I tortured out of your colleague, but I would like a regular review of what you're thinking.

A lot of us here have been involved in this for a long time, and I think you people would benefit and obviously we would.

Thank you very much.

Mr. MEADOR. May I add one point? As I said, we are trying to develop more precisely an agenda. I am hoping in another week or two we will have this down, so it can be put in writing on a few pages of paper. An outline of our plans rather specifically. I will be glad to send a copy of that to every member of the committee when it's developed.

Mr. KASTENMEIER. I appreciate that offer. We will take advantage of it. We do expect and hope to maintain good communications with your new office, and on behalf of the subcommittee, I thank all three of you—Mr. Gainer, Mr. Nejelski, and especially you, Mr. Meador—for your new undertaking. We appreciate your testimony this morning.

Thank you very much.

The committee stands adjourned.

[Whereupon, at 11:25 a.m., the hearing was adjourned.]

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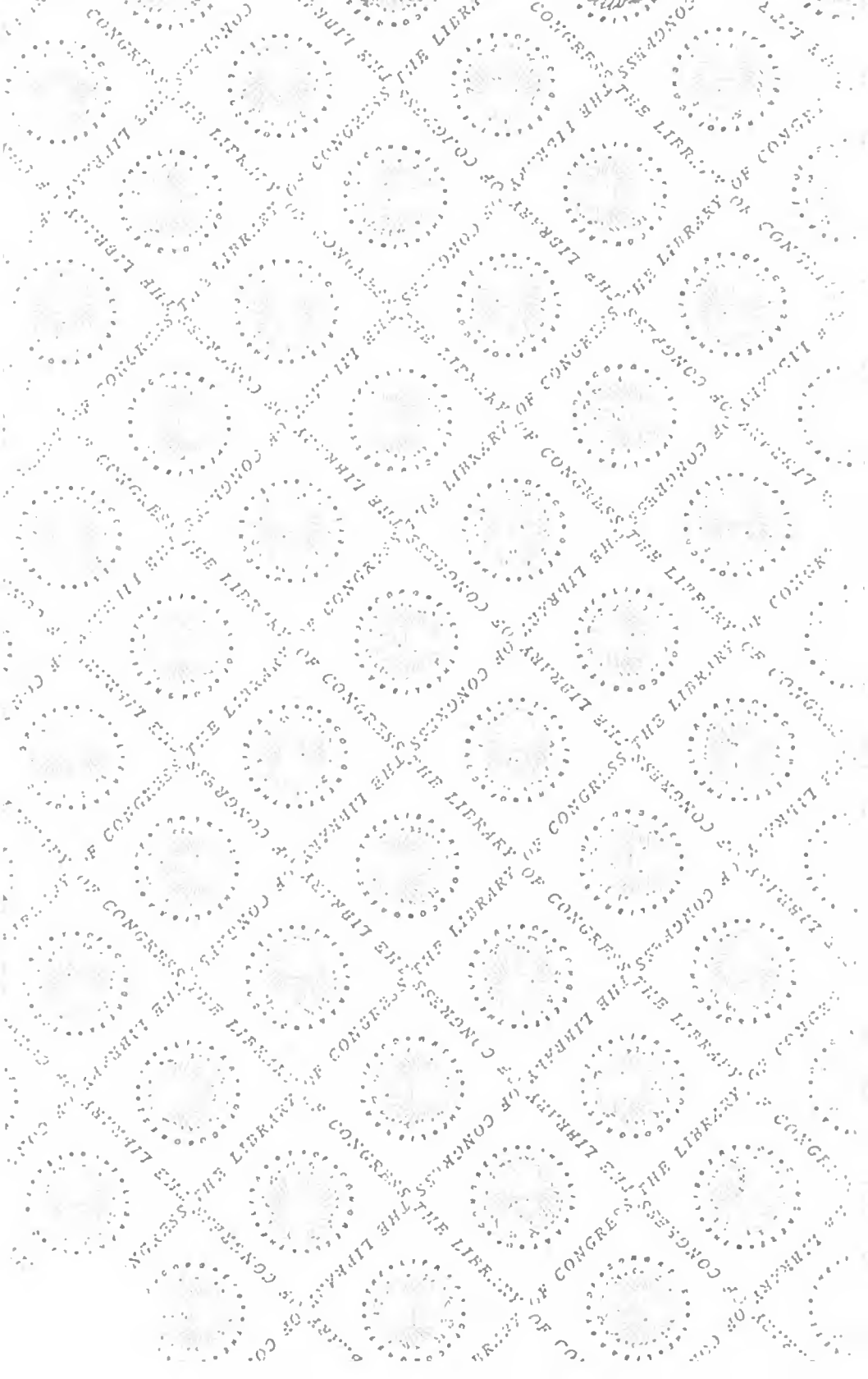
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